

**IV. COMMITTEE ACTIONS AND FILINGS OF
THE PARTIES LEADING UP TO THE SEP-
TEMBER EVIDENTIARY HEARINGS**

d. Pre-Trial Statements

SENATE IMPEACHMENT
TRIAL COMMITTEE

WASHINGTON, DC 20510-6326

The evidentiary hearings will begin on September 13, 2010, in the Hart Senate Office Building, Room 216. Each side will have twenty (20) hours to present their case (including any cross examination of the other side's witnesses) to the Committee. At this time, the Committee believes this time allotment will be sufficient for the parties to present their case. No extensions will be granted absent a showing of good cause.

1. Statement of the Case: Provide a brief and general statement of the case as the party intends to present it at the evidentiary hearings.

The parties shall periodically provide information to the Committee concerning the anticipated order of the presentation of witnesses. The witness list should be framed within the time allotment articulated above. In its Pre-Trial Statement, the House should indicate the anticipated order in which it intends to call witnesses during the direct presentation of its case and the estimated duration of those witnesses' direct testimony. In the event that information should change before commencement of the evidentiary hearings on September 13, 2010, the House shall promptly advise the Committee of that fact.

3. Exhibit List: The parties shall provide a numbered index of exhibits which the party intends to offer at the evidentiary hearings. The index should provide a specific description of each listed document or item of evidence, and, if the document or item of evidence has previously been introduced in a prior proceeding (such as the House Impeachment Task Force Hearings, or before the Special Investigatory Committee of the Fifth Circuit), a citation to the prior record where the document or item of evidence was introduced.

Both parties shall exchange copies of their numbered exhibits, including any tape or video recordings, and shall provide one electronic (CD or DVD) and two hard copies of their exhibits to the Committee on or before September 1, 2010. The House's exhibit numbers shall begin at 1, and Judge Porteous's exhibit numbers shall begin at 1001.

Both parties shall, on or before September 8, 2010, file and serve a statement for each document or item of evidence listed on the opposing party's exhibit list which unequivocally states whether there is an objection as to its authenticity or genuineness. In the event that such objection is made, the basis for the objection shall be specifically stated. Failure by the opposing party to make a reasoned and specific objection to any particular document or item of evidence may result in a finding by the Committee that formal proof as to its authenticity or genuineness need not be made; such evidence would still be subject to all other objections.

Unless good cause is shown for failure to include a document or other item of evidence on the index of exhibits, documents or items not listed thereon shall not be introduced at the evidentiary hearings. If a party believes that there is good cause for amending its index of exhibits, it shall, as soon as the need for the amendment becomes known, file with the Committee, and serve on the opposing counsel, an amendment to the index together with copies of any new exhibit and a showing of good cause for their late inclusion on the index. The opposing party shall, within three days after receipt of any such amendment, or earlier if the Committee so specifies, file and serve its objections regarding matters of formal proof to the exhibits included in the amended index.

4. Prior Testimony: The parties shall specifically identify the prior testimony which they wish to offer into evidence consistent with this Committee's Disposition of Pre-Trial Motions. For the witnesses from whom the parties seek live testimony, the parties shall also identify any prior testimony of those witnesses to which they wish to direct the Committee's attention. Copies of the proffered testimony need not be resubmitted.

If either party wishes to object to the inclusion of any prior testimony, and the objection is different from the arguments already advanced by the parties in their pre-trial motions, the party shall state the specific nature of the objection.

5. Legal Matters: The parties shall briefly set forth the legal principles applicable to each Article of Impeachment and otherwise appropriate for the Committee to consider in determining the relevance and weight of particular evidence.

Dated: August 25, 2010



CLAIRE McCASKILL
Chairman



ORRIN G. HATCH
Vice Chairman

Witnesses Subpoenaed by the U.S. Senate Impeachment Trial Committee

- 1) Adam Barnett
- 2) Dianne Lamulle
- 3) John Mamoulides
- 4) Judge Joseph Tiemann
- 5) Melinda Kring (Porciau)
- 6) Michael Porteous
- 7) Robert Rees
- 8) S.J. Beaulieu, Jr.
- 9) Darcy Griffin
- 10) Suzette Lacour Powers
- 11) Jacob Amato, Jr.
- 12) Robert Creely
- 13) Rhonda Danos
- 14) Leonard Levenson
- 15) Donald Gardner
- 16) Joseph Mole
- 17) Louis Marcotte
- 18) Lori Marcotte
- 19) Bruce Netterville
- 20) Michael Reynolds
- 21) Bobby Hamil
- 22) Cheyanne Tackett
- 23) Rafael Goyeneche III
- 24) Ronald Bodenheimer
- 25) Claude Lightfoot
- 26) William Greendyke
- 27) Jeffrey Duhon
- 28) Aubrey Wallace

**In The Senate of The United States
Sitting as a Court of Impeachment**

In re:)
Impeachment of G. Thomas Porteous, Jr.,)
United States District Judge for the)
Eastern District of Louisiana)

JUDGE G. THOMAS PORTEOUS, JR.'S PRE-TRIAL STATEMENT

Judge Porteous respectfully submits the following Pre-Trial Statement pursuant to the Senate Impeachment Trial Committee's (the "Committee") Order Designating Contents of Pre-Trial Statements dated August 26, 2010 (the "Order").

1. Statement of the Case

On March 11, 2010, the House of Representatives approved four articles of impeachment against Judge Porteous. Unlike all other modern judicial impeachments, Judge Porteous was impeached without ever being charged, let alone convicted, of a single criminal act. Indeed, while federal prosecutors extensively investigated numerous individuals in the New Orleans area, including judges, they determined not to bring any criminal charges against Judge Porteous. This was not because of a lapse of the statute of limitations – in fact, Judge Porteous signed at least three tolling agreements to waive the statute of limitations on a host of possible criminal charges – but because of “the government’s heavy burden of proof in a criminal trial, and the obligation to carry that burden to a unanimous jury; concerns about the materiality of some of Judge Porteous’s provably false statements; the special difficulties of proving *mens rea* and

intent to deceive beyond a reasonable doubt in a case of this nature, and the need to provide consistency in charging decisions concerning bankruptcy and criminal contempt matters.”¹

This absence of express criminal charges has led to the kind of vague references to a variety of acts that constitute, at most, the appearances of impropriety or minor violations of bankruptcy or disclosure rules. None of the Articles allege that Judge Porteous committed treason or bribery or received kickbacks as a judge. Instead, the House has made, and can be expected to continue to make, vague references to offenses, such as “kickback” and “bribery,” as if they had been alleged by the House in voting out the Articles of Impeachment, when in fact they were not. Three of the four Articles seek to remove Judge Porteous largely on the basis of conduct that allegedly occurred while he was a state court judge, although it is generally agreed that such “pre-federal” conduct should not be a basis for removing a federal judge. In some cases, the subject conduct is alleged to have occurred as many as 25 years ago. The House has pursued impeachment despite the fact that Judge Porteous will retire in a matter of months and has already been severely sanctioned by the Fifth Circuit for the appearance of impropriety created by his actions. If removed on the basis of an appearance of impropriety, the Senate would set a dangerously low and ill-defined standard for future impeachments – the very danger that the Framers sought to avoid in carefully crafting the impeachment language.

The absence of any prior criminal trial means that this case comes to the Senate with a highly disputed record. The House has been permitted to introduce into the record many hours of testimony that the House managers developed during the Fifth Circuit and House Judiciary Committee proceedings. In both, Judge Porteous’s ability to cross-examine witnesses called to testify against him was severely constrained, either by the Fifth Circuit’s requirement that he

¹ See Letter dated May 18, 2007, from the Justice Department to Fifth Circuit Chief Judge Edith Jones, at 1 (HP Ex. 004).

proceed without counsel or by the House Judiciary Committee's limitations on cross-examination.² Now, before the Senate Committee, Judge Porteous is limited to only 20 hours within which to challenge express and implied allegations by the House and present his defense, versus the extensive record from other proceedings upon which the House may rely.

After the Senate allowed Judge Porteous to take four depositions from a longer list of requested depositions, however, the defense was able to elicit testimony that directly contradicted prior representations in the House Report. Indeed, the defense has established that certain allegations stated in the Articles of Impeachment simply did not occur. For example, Judge Porteous is accused of failing to reveal a brief conversation with Louis Marcotte on various forms related to his nomination. The record now shows, however, that this conversation took place weeks *after* those forms were completed. Likewise, core House witnesses have contradicted allegations attributed to them in the House Report. While these facts were known before the submission of the House Report as the basis for the impeachment vote, members of the House were never informed. On other issues, in the short period in which current counsel has represented Judge Porteous, the defense has been able to establish that the House members were given "facts" that are not only without any documented basis, but are contradicted by available court records.

A trial of this kind would normally takes weeks or months in an actual court of law. (Indeed, even with a prior trial, former Judge Alcee Hastings's Senate impeachment trial lasted 18 days.)³ While the defense has had to reduce its witness list in light of the 20 hour limit, Judge

² See House Impeachment Task Force Hearing Transcript, Ser. No. 111-43, at 5 (Nov. 17, 2009) (Congressman Schiff stating that the House's impeachment inquiry "is not a trial, but is more in the nature of a grand jury proceeding.").

³ See CRS Rpt. 7-5700, at 18-21, *The Role of the Senate in Judicial Impeachment Proceedings: Procedure, Practice, and Data* (Apr. 9, 2010). It must be noted that while there

Porteous will be calling eye-witnesses who not only directly contradict the allegations of the House, but also expert witnesses who will show that many of the alleged acts occur commonly and rarely result in sanctions, let alone an impeachment and removal of a judge.

Article I – The Alleged Denial of Honest Services

Article I alleges that Judge Porteous deprived the public and litigants of “honest services” by failing to recuse himself from presiding as a District Court Judge in the case of *Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, Inc.*, No. 93-cv-1794 (E.D. La.) (the “*Lifemark* case”), failing to disclose enough information about his relationship with a lawyer representing one of the parties to that litigation, and later accepting a monetary gift from that lawyer. The Article is invalid both legally and factually.

While the House staff was aware that the Supreme Court was about to hear a challenge on the scope of the honest services claims, it chose to craft Article I based on the same theory. A few weeks ago, the Supreme Court found that it is unconstitutional to charge someone under the theory contained in Article I. *See Skilling v. United States*, No. 08-1394, 2010 WL 2518587 (June 24, 2010). The defense has asked for an opportunity to be heard on this issue in a still pending motion to dismiss (as well as three other motions raising threshold constitutional questions), but the flawed basis of the honest services claim undermines the viability of Article I as the basis for removal at trial.

Article I alleges that Judge Porteous, “while a federal judge,” deprived the public and the litigants in the *Lifemark* case of his “honest services” by (a) denying a motion for recusal while failing to disclose the full extent of his friendship and past financial dealings with his friends and

are only four Articles of Impeachment against Judge Porteous, those aggregated Articles contain more than 20 different allegations, each of which would have been a separate Article in earlier proceedings.

former law partners Jacob Amato and Robert Creely, whose firm was one of the counsel for a party in the *Lifemark* case; and (b) after denying that recusal motion, accepting cash and other “things of value” such as meals and entertainment from Messrs. Amato and Creely while that case was still under advisement. There is no allegation of a *quid pro quo* in connection with those things provided to Judge Porteous. Although Judge Porteous issued an opinion, ultimately reversed, in part, by the Fifth Circuit, there is no express allegation that the Judge’s opinion was influenced by gifts extending over decades of a personal relationship. At most, this Article seeks to remove a judge on the basis of an appearance of impropriety, for which Judge Porteous has been sanctioned by the Fifth Circuit. To convict him in an Impeachment for such actions, no matter how inexcusable, would erase centuries of decisions by the Senate to maintain a clear and high standard for the removal of a judge.

In addition, while House members were told that lawyer Amato believed that Judge Porteous sought a percentage of curatorships that he assigned to Amato’s partner Creely, Amato testified he recalled being told something along these lines by Creely, but that he had no independent knowledge of those dealings by Creely with Judge Porteous. In fact, however, this critical allegation was directly refuted by Creely himself when, for the first time, he was subject to a full deposition by the defense. There, Creely testified that (1) there was never any relationship between these gifts or loans of money to Porteous and the curatorships Judge Porteous granted to Creely (and to numerous other lawyers), (2) he did not want assignments of the low-paying curatorships, and (3) he gave as gift money periodically to Judge Porteous only because they were long-standing and close friends. He has further testified that, whatever gifts Creely provided to his old friend, those gifts had no influence on Judge Porteous’s rulings since, for most of those few times that Creely appeared before Judge Porteous, Porteous ruled adverse

to Creely's clients.

The Article alleges no bribery, high crime, or high misdemeanor. It relies, instead, on the refusal of a judge to recuse himself from a single case in decades of judging as the grounds for removing that judge from office. That comes perilously close to removing a judge because of his judicial decisions, not because of his conduct. The recusal motion in the *Lifemark* case was brought by an attorney who stated in the hearing that he was already aware that Judge Porteous was "very, very close" friends with the attorneys in the case. The record will also show that Judge Porteous himself acknowledged the close relationship. Moreover, if Judge Porteous really was as corrupt as the House makes him out to be, he could have substantially enriched himself or another lawyer with whom he was close friends (Mr. Gardner), who was brought into the case by one of the lawyers who filed the recusal motion (Mr. Mole) simply because he was a friend of Judge Porteous. Mr. Mole has admitted that he wrote a contract to bring in Gardner that offered Gardner \$100,000 (in addition to a retainer payment of \$100,000) if Judge Porteous recused himself. If Judge Porteous could be influenced in his decision by a gift of a relatively small amount of money from Mr. Amato, as the House alleges, he could have achieved much richer rewards (or enabled Mr. Gardner to do so) by recusing himself. Instead, Judge Porteous, with friends representing parties on both sides of the case, ruled in the case as he saw fit, after the case had bounced from judge to judge, without resolution, for years. In so doing, he ruled against the client of Mr. Gardner, one of his closest friends. Indeed, Mr. Gardner was a closer friend to Judge Porteous and his family than Mr. Amato.

Article I fails to recognize that recusals are left largely to the discretion of the trial judge and that prior controversies over such recusals have rarely resulted in a sanction, let alone an impeachment. There are compelling reasons why Judge Porteous did not want to add his name

to the long list of judges who had allowed the *Lifemark* case to linger for years without resolution. One can disagree with his ultimate ruling or his decision to remain in the case, but his decision on recusal was consistent with the views of many judges in similar circumstances. In the end, such a disagreement is woefully insufficient as a basis for removal, would elevate a matter that is usually handled internally in a given court to a full Senate trial, and would create a precedent of impeachment based on a judge's rulings rather than his acts of misconduct.

Article II – Alleged Pre-Federal Misconduct as a State Judge

In Article II, the House impeached Judge Porteous on the basis of pre-federal conduct that goes back decades before he became a federal judge. The Article alleges that, as a state court judge, Judge Porteous engaged in conduct with certain bail bondsmen – Louis Marcotte and Lori Marcotte (brother and sister) – whereby he “solicited and accepted numerous things of value” and also took “official actions that benefitted the Marcottes.” Not only was this conduct never the basis for a criminal charge, but the Fifth Circuit did not even include this conduct as part of its investigation and sanctioning of Judge Porteous.

In addition to the fact that removal of a judge based on pre-federal conduct is clearly contrary to the constitutional impeachment process and standard, the defense will show that none of Judge Porteous's conduct violated any rule of judicial ethics. For example, the House has repeatedly relied on lunches which the Marcottes had with a large number of state judges, including Judge Porteous. The defense will show that, at the time, there was no judicial rule prohibiting such free lunches and, indeed, the current rule in Louisiana prohibits only the acceptance of lunches worth more than \$50. Thus, even today, a state court judge could attend these same lunches and be in full compliance with applicable judicial rules, depending on the amount spent for the lunch. Moreover, the witnesses will show that it was routine and viewed as

appropriate and acceptable for judges to accept gifts from the Marcottes and others – a practice that was widespread in the state court. This fact was also never revealed to the members of the House of Representatives before their vote. Finally, the evidence will show that many of the factual allegations made to the House members are demonstrably untrue, including the suggestion that Judge Porteous increased the number of bonds handled by the Marcottes that he set or modified shortly before he went on the federal bench.

The fact is that Judge Porteous was an outspoken advocate for the use of bonds and split bonds. A respected judge and former prosecutor, Judge Porteous believed that such bonds were essential – particularly when inmates were otherwise simply being released on their own recognizance as a result of federal court orders barring overcrowding in the Jefferson Parish jails. In Gretna, where Judge Porteous sat as a state court judge, the Marcottes handled an estimated 95 percent of bonds and all judges issuing such bonds necessarily dealt with the Marcottes. Judge Porteous strongly supported the use of bonds, and often spoke to other judges to encourage them to use bonds, as a way to ensure that criminal defendants later appeared in court to answer the charges against them.

Not only does Article II seek to remove Judge Porteous on the basis of conduct that occurred before he was a federal judge, it also seeks to remove him on conduct that was common in that part of Louisiana. The House is seeking to convert the Senate into an enforcer of state rules although the Louisiana judicial ethics officials themselves did not view that conduct as violative of state rules. Article II further seeks to remove a judge based on alleged acts that occurred decades ago and about which the facts are contested. Witnesses will establish that in a small state court environment it was common for judges, lawyers, and bail bondsmen to be friends and to interact informally inside and outside of the courthouse.

The alleged conduct of Judge Porteous was indistinguishable from virtually all of the judges in Gretna, including judges who remain on that court today. Moreover, witnesses will show that many of these practices continue to this day as a normal part of small-town practice. If such conduct as a state judge can be used decades later to remove a federal judge, the Senate would convert the impeachment standard into an arbitrary and unpredictable measure of good behavior as a federal judge.

Article III – Alleged Violations of Bankruptcy Laws

Article III accuses Judge Porteous of “knowingly and intentionally making material false statements and representations under penalty of perjury relating to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case.” The House identifies five particular categories of statements and actions that underlie this assertion: using a false name and post-office box in the initial Chapter 13 petition; concealing assets such as cash on hand and a tax refund; concealing preferential payments to a casino and a bank that had issued a credit card to Judge Porteous’s wife; concealing gambling losses; and incurring debts after the confirmation of his Chapter 13 plan and before receipt of his discharge.

The allegations in Article III, even if true, amount to nothing more than reliance on the advice of counsel and honest mistakes about the state of Judge Porteous’s finances at the time of his bankruptcy filing, the appropriate means of commencing a Chapter 13 bankruptcy case, and the management of his affairs afterwards. The language “knowingly and intentionally” used by the House is modeled after the standard needed to justify criminal prosecution for bankruptcy fraud – for example, the requirement that conduct be committed “knowingly and fraudulently” is repeated frequently in 18 U.S.C. § 152 – which cannot be sustained by any credible evidence. Indeed, apparently for this reason, the Department of Justice decided not to prosecute Judge

Porteous despite a lengthy and thorough investigation into his bankruptcy case. The Senate should reject the House's attempt to characterize minor and immaterial errors in a Chapter 13 bankruptcy case as meeting the constitutional standard of high crimes and misdemeanors. Errors of the sort made by Judge Porteous and his late wife are duplicated by Chapter 13 debtors around the country hundreds if not thousands of times each day.

Judge Porteous, of course, does not suggest that inaccuracies in bankruptcy filings are to be encouraged. In this case, however, the evidence will show that Judge Porteous sought counsel, followed the advice of his counsel, completed his court-approved Chapter 13 plan, and paid more than \$50,000 to his unsecured creditors. The Chapter 13 trustee – the party principally responsible for the administration of Chapter 13 cases – interviewed Judge Porteous, objected to the initial plan filed by Judge Porteous, required more funds to be paid to creditors, concluded that the amended plan met the standards for confirmation under Chapter 13, and otherwise fulfilled his responsibility to maximize the return to creditors. The evidence will not show that any of the errors alleged by the House were the result of an intent to deceive, nor will it demonstrate that Judge Porteous's creditors were materially harmed by the inaccuracies in his bankruptcy filings. Instead, the evidence will show that such inaccuracies are common in bankruptcy and fall well below any reasonable interpretation of a high crime or misdemeanor warranting removal.

Many of the House's allegations in Article III proceed from inaccurate premises. For example, cash in a Chapter 13 debtor's bank account at the time of a bankruptcy filing is not turned over to a trustee, nor does it otherwise inure to the benefit of creditors. A slight inaccuracy in a Chapter 13 debtor's report of a bank balance, therefore, is of absolutely no consequence to the bankruptcy system. Nor is the existence or amount of gambling losses that a

debtor may have incurred in the past. Except in the most extraordinary situations – and gambling issues are far from extraordinary among debtors – Chapter 13 does not concern itself with the *reasons* a debtor finds himself or herself in financial distress. The bankruptcy system does not rely on newspaper reports to inform creditors that a bankruptcy case has been filed; rather, creditors receive formal notice of a variety of matters as prescribed in the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

The undisputed evidence in this case will show that Judge Porteous’s use of a pseudonym on his original Chapter 13 petition was the idea of his attorney, and the process was specifically designed so that creditors would receive only the correct identifying information that was included in the amended petition. Moreover, nothing in Chapter 13 prohibits a debtor from incurring debt after the filing of a petition or the confirmation of a plan. The language in the confirmation order in Judge Porteous’s case may well have been meant to protect him, his wife, and their creditors from the consequences of unpaid post-confirmation debt – a subject that is dealt with in the Bankruptcy Code – but there was no such unpaid debt in his case. Even under the House’s broad interpretation of the confirmation order, therefore, any violation of its provisions simply was immaterial.

Article IV – The Failure To Disclose Embarrassing Facts At Confirmation

Article IV seeks Judge Porteous’s removal on the basis of pre-federal conduct going back decades, this time under the guise of a failure to disclose such conduct during confirmation. The Article alleges that Judge Porteous “knowingly made material false statements about his past” by failing to state affirmatively that he (1) received a portion of curatorship fees given to the law firm Amato & Creely while a state judge (as alleged in Article I); and (2) accepted “things of value” while benefiting the Marcotte bail bonds company while a state judge (as alleged in

Article II). Additionally, Article IV alleges that Judge Porteous should be removed from office because he failed to state affirmatively that he suspected that Louis Marcotte may have given misleading statements to the FBI in a conversation in which Judge Porteous did not participate.

The standard that the House seeks to impose is purely subjective: did Judge Porteous fail to disclose information that he, Judge Porteous, thought would be embarrassing to him or to the President? Assuming Judge Porteous thought he had done nothing wrong or inappropriate, he naturally would think that none of his actions would be embarrassing to him or to President Clinton. Even if the Senate comes to the conclusion that Judge Porteous acted improperly, it cannot conclude that Judge Porteous thought those actions were improper (and therefore “embarrassing”) without concluding that Judge Porteous acted with intent to deceive. There is no basis for such a conclusion.

The evidence will show that much of the allegations contained in this Article are simply misrepresented or demonstrably untrue. For example, while Judge Porteous was impeached for failing to mention his conversation with Louis Marcotte, the defense has been able to establish that this conversation occurred *after* these forms were completed and, therefore, could not have been included in Judge Porteous’s disclosures. Moreover, a statement by Marcotte, one of a nominee’s references, that he gave a judge a “clean bill of health” is hardly a matter that warrants a special submission from a nominee. The House impeached Judge Porteous on the basis of his alleged failure to answer affirmatively a question on whether he knew of anything that would embarrass the president. Testimony will also show, however, that this question is universally answered in the negative and that it is common for nominees to omit financial, ethical, and even criminal histories from their background reports – omissions that have occurred in dozens of past cases without resulting in any negative action taken against nominees either before or after

confirmation. Furthermore, the evidence will show that Judge Porteous's issuance of bonds and curatorships was in line with the actions of all state judges in Jefferson Parish at the time and did not violate any state ethical code. Finally, it will be shown that the basic allegations contained in Article IV were known to both the FBI and the Senate Judiciary Committee *before* Judge Porteous's confirmation. These allegations were investigated by the FBI and specifically raised by Senate staff members and found to be insufficient to warrant any negative action on the nomination. Moreover, not only were curatorships and bonds matters of public record that Judge Porteous did not take any action to conceal, they were common practices in this small state courthouse and continue to this very day.

2. Final Witness List

Below is Judge Porteous's final witness list, which includes for each listed witness a brief description of that witness's anticipated testimony, as well as a statement of each listed expert witness's qualifications.⁴ Per the Committee's Order, Judge Porteous will provide an estimate of the duration of testimony to be elicited from each witness, and the order in which he anticipates calling those witnesses, by September 8, 2010.

(1) John M. Mamoulides

Judge Porteous anticipates that former Jefferson Parish District Attorney Mamoulides will testify about Judge Porteous's appointment to the state bench, his experience and relationship with Judge Porteous as a state court judge, the practice of setting and modifying bonds in Jefferson Parish, the manner in which Assistant District Attorneys interacted with state court judges in Jefferson Parish (including Judge Porteous), and the overall relationships between state court judges and other participants in the Jefferson Parish legal system during the relevant time period.

⁴ This final witness list contains the following changes from the witness list that Judge Porteous filed on August 5, 2010: (1) the addition of Darcy Griffin, Timothy Porteous, and one custodial witness to testify with regard to selected bond forms, and (2) the omission of Dianne Lamulle, Suzette Lacour Powers, Susan Hoffman, James Barbee, and Peter Ainsworth.

- (2) Judge M. Joseph Tiemann

Judge Porteous anticipates that Judge Tiemann will testify about his experience and relationship with Judge Porteous, as well as the practices of Jefferson Parish judges, during the relevant time period, in setting and modifying bonds, assigning curatorships, and interacting with others participants in the legal system.

- (3) S. J. Beaulieu, Jr.

Judge Porteous anticipates that Mr. Beaulieu, the Chapter 13 Trustee who oversaw the Porteouses' bankruptcy proceeding, will testify about the facts and circumstances regarding that bankruptcy, including an overview of the history of the bankruptcy case, the applicable legal standards, Mr. Beaulieu's communications with Judge Porteous, his instructions to Judge Porteous, his evaluation of the seriousness of the mistakes made by Judge Porteous during the bankruptcy proceedings, his experience with other bankruptcies, and his communications with Judge Porteous's bankruptcy counsel and others with regard to the Porteouses' bankruptcy proceeding.

- (4) Henry Hildebrand

Judge Porteous anticipates that Mr. Hildebrand will testify as an expert with regard to the allegations in Article III and Chapter 13 bankruptcy cases generally, including applicable legal principles, standards, and practices relating to personal bankruptcies during the relevant time period. Mr. Hildebrand's qualifications as an expert include his extensive experience serving as a current Chapter 13 Trustee. Mr. Hildebrand's curriculum vitae is attached as Exhibit 1.

- (5) Judge Ronald Barliant

Judge Porteous anticipates that Ronald Barliant will testify as an expert with regard to issues related to Article III, including applicable legal principles, standards, and practices relating to personal bankruptcies during the relevant time period. Judge Barliant's qualifications as an expert include his experience as a United States Bankruptcy Judge for the Northern District of Illinois (from 1988 to 2002) and as a practicing bankruptcy lawyer. Judge Barliant's curriculum vitae is attached as Exhibit 2.

- (6) Professor Rafael Pardo

Judge Porteous anticipates that Professor Pardo will testify as an expert with regard to the issues related to Article III, including applicable legal principles, standards, and practices related to personal bankruptcies during the relevant time period. Professor Pardo's qualifications as an expert include his experience as an academic researching and writing in the areas of bankruptcy law and practice, as a volunteer in a consumer debt clinic, and as a practicing bankruptcy lawyer. Professor Pardo's curriculum vitae is attached as Exhibit 3.

(7) Michael Porteous

Judge Porteous anticipates that Michael Porteous will testify with regard to his court delivery service, his interactions with Louis and Lori Marcotte, and his and Judge Porteous's personal history and relationship with individuals in the Jefferson Parish legal community.

(8) Timothy Porteous

Judge Porteous anticipates that Timothy Porteous will testify with regard to his and Judge Porteous's personal history and relationship with individuals in the Jefferson Parish legal community, including Robert Creely, Jacob Amato, Don Gardner, and Leonard Levenson.

(9) Professor Dane S. Ciolino

Judge Porteous anticipates that Professor Ciolino will testify as an expert with regard to issues related to the legal traditions, practices, and ethical standards in Jefferson Parish and the State of Louisiana during the relevant time period, including the assignment of curatorships and the relationships between state court judges and other participants in the legal system. Professor Ciolino's qualifications as an expert include his experience as an academic researching and writing in the areas of judicial ethics and as a participant in various aspects of the Louisiana attorney discipline system. Professor Ciolino's curriculum vitae is attached as Exhibit 4.

(10) Professor G. Calvin Mackenzie

Judge Porteous anticipates that Professor Mackenzie will testify as an expert with regard to the federal nomination and appointment process, the use of SF-86's, FBI background checks, and Senate confirmations. Professor Mackenzie's qualifications as an expert include his experience as an academic researching and writing in the areas of presidential appointments and the federal appointment and confirmation process. Professor Mackenzie's curriculum vitae is attached as Exhibit 5.

(11) Robert Rees

Judge Porteous anticipates that Mr. Rees will testify with regard to the facts and circumstances surrounding the setting aside of Aubrey Wallace's simple burglary conviction and the expungement of related records, as well as the general practices in Jefferson Parish regarding the setting aside of convictions and expungements during the relevant time period.

- (12) Melinda Kring (Pourciau)

Judge Porteous anticipates that Ms. Kring will testify with regard to her work at Bail Bonds Unlimited, her observations of the Marcottes, their interactions with Judge Porteous, and their interactions with other judges and state and federal officials.

- (13) Adam Barnett

Judge Porteous anticipates that Mr. Barnett will testify with regard to his experiences and observations working with the Marcottes and his interactions with Judge Porteous concerning the setting and modifying of bonds.

- (14) Daniel A. Petalas, Esq.

Judge Porteous anticipates that Mr. Petalas, an attorney with the Public Integrity Section of the Department of Justice, will testify about the government's investigation into Judge Porteous, the decision not to prosecute Judge Porteous, and communications that Mr. Petalas had with members of the Fifth Circuit Special Investigatory Committee and Mr. Beaulieu.

- (15) Darcy Griffin

Judge Porteous anticipates that Ms. Griffin will testify with regard to her experience working as a clerk in the Twenty-Fourth Judicial District Court in Jefferson Parish, Louisiana for Judge Porteous and other state court judges. Ms. Griffin's testimony will relate to her duties, including the handling of bond requests and research related to criminal defendants' prior records in preparation for setting and/or modifying bonds. Ms. Griffin will also testify about her communications with Judge Porteous, members of Judge Porteous's staff, the Marcottes, and jail officials regarding the bond process. Ms. Griffin may also testify about court records and her current experience as a supervisor of criminal clerks in the Twenty-Fourth Judicial District Court.

- (16) One custodial witness to testify with regard to selected bond forms

Judge Porteous anticipates calling one custodial witness (who is as yet unidentified, but will likely be an individual assisting the defense) who will testify with regard to a series of bond forms related that bonds that Judge Porteous set and/or modified during the relevant time period, which Judge Porteous expects to obtain shortly from the Twenty-Fourth Judicial District Court in Jefferson Parish, Louisiana.

The House has indicated that it plans to call the following witness, which, if not called by the House, will likely be called by the defense.⁵

- (17) Jacob Amato, Jr.
- (18) Robert Creely
- (19) Louis Marcotte
- (20) Lori Marcotte
- (21) Joseph Mole
- (22) Donald Gardner
- (23) Michael Reynolds
- (24) Bruce Netterville
- (25) Ronald Bodenheimer
- (26) Leonard Levenson
- (27) William Greendyke
- (28) Claude Lightfoot
- (29) Rhonda Danos
- (30) Bobby Hamil
- (31) DeWayne Horner

In addition to calling these witnesses, Judge Porteous respectfully reserves the right to testify in his own defense if he so chooses. Judge Porteous further reserves the right to call additional witnesses, as needed, during the evidentiary hearing for purposes of providing rebuttal or impeachment evidence.

⁵ See House of Representatives' Witness List, filed with the Committee on August 5, 2010. Since the House has indicated that it will call these witnesses, and has previously provided descriptions of their anticipated testimony, Judge Porteous has not included duplicative descriptions.

3. **Exhibit List**

Attached as Exhibit 6 is a numbered index of the exhibits that Judge Porteous intends to offer at the evidentiary hearing. Judge Porteous is today providing one electronic copy of these exhibits to the Committee,⁶ as well as to the House. Since Judge Porteous is still in the process of collecting materials that he may seek to use at the evidentiary hearing, he respectfully reserves the right to amend and supplement this Exhibit List with later-obtained materials.

4. **Prior Testimony**

Judge Porteous wishes the offer into evidence and direct the Committee's attention to the following prior testimony:

- (1) Robert Creely's August 2, 2010 Senate Deposition Testimony;
- (2) Jacob Amato's August 2, 2010 Senate Deposition Testimony;
- (3) Louis Marcotte's August 2, 2010 Senate Deposition Testimony;
- (4) Lori Marcotte's August 2, 2010 Senate Deposition Testimony; and
- (5) Claude Lightfoot's October 30, 2007 Fifth Circuit Testimony.

Since Judge Porteous does not know what prior testimony the House will seek to offer into evidence, or whether the House will attempt to designate excerpts or portions of prior testimony, Judge Porteous respectfully reserves the right to counter-designate additional prior testimony to ensure that all such testimony is not taken out of context or designated selectively.

5. **Legal Matters**

The following legal principles should guide the Committee's receipt, consideration, and evaluation of evidence during the forthcoming evidentiary hearing.

⁶ Per an August 30, 2010 communication from Committee Staff, Judge Porteous will provide the Committee with two hard-copies of these exhibits by September 8, 2010.

A. Burden of Proof

The House, in its role as prosecutor before the Senate, bears the entire burden of proof. To carry that burden, the House must prove, first, that the conduct alleged in the Articles of Impeachment actually occurred. This first obligation is especially important in this case where, unlike every other modern impeachment, there was no prior indictment, let alone a trial, and thus no prior adjudicated record. Second, the House must prove that that conduct warrants the imposition of the ultimate constitutional sanction available against a federal judge – namely removal of Judge Porteous from his constitutional office. Should the House fail to carry this heavy burden, as Judge Porteous expects it will, the Senate will be obligated to reject the Articles of Impeachment and acquit Judge Porteous.

Although Judge Porteous, as the accused, is not required to come forward with any evidence, he intends to put forward a robust defense and prove at the evidentiary hearing that a number of the House’s allegations are simply untrue. Judge Porteous further intends to prove that much of the conduct relied upon by the House in seeking his removal from office is neither criminal nor in any way improper. Each of these showings will fatally undermine the House’s case and expose its failure to carry its extensive and exclusive burden of proof.

B. Standard of Proof

Neither the Constitution nor the Senate’s Rules mandate a particular standard of proof by which Senators must judge the evidence presented during an impeachment trial. Instead, the applicable standard is left, as it is often phrased, to “the conscience of each Senator.” *See* CRS Rpt. 98-990, at 5-6, *Standard of Proof in Senate Impeachment Proceedings* (internal quotations omitted). Nevertheless, given that the impeachment process pits two co-equal branches of government directly against one another and threatens a federal constitutional officer with the

most severe constitutional sanction that may be visited upon him, the Senate has maintained a high standard of proof – rejecting all but seven prior judicial convictions. Each Senate is expected to “mind the line” in preserving a clear and high standard for removal so as not to undermine the independence of the American judiciary.

The impeachment process was specifically designed to be complex, cumbersome, and exacting. This design ensures that legislative intrusions into the business and personnel of the federal judiciary are minimal, occur as rarely as possible, and are reserved for only the most egregious cases – where the evidence of extreme wrongdoing is clear. These safeguards are necessary to preserve judicial independence, as well as the Constitution’s carefully constructed system of checks and balances.

Therefore, in evaluating the proffered evidence in this case and deciding whether that evidence justifies Judge Porteous’s removal from office, Senators should apply a strict standard of proof akin to the “beyond a reasonable doubt” threshold employed in criminal proceedings. While this is not a “criminal proceeding” *per se*, the text of the Constitution repeatedly describes the impeachment process in criminal terms. Specifically, the Senate has the “sole Power to try all Impeachments, at which “no Person shall be convicted without the Concurrence of two thirds of the Members present,” and for which conviction shall lie only for “Treason, Bribery, or other high Crimes and Misdemeanors.” U.S. CONST. art. I, § 3, cl. 6 & art. II, § 4 (emphasis added). The Senate’s own rules similarly speak in criminal terms, requiring that each Senator vote either “guilty” or “not guilty” with regard to each article of impeachment.⁷ The gravity of this terminology (“try,” “convicted,” “high Crimes and Misdemeanors,” “guilty”) – none of which was lightly chosen, and none of which should be lightly ignored – strongly suggests that each

⁷ See Rule XXIII of the Rules of Procedure and Practice in the Senate when Sitting on Impeachment Trials.

Senator adopt an exceedingly high standard of proof and be absolutely certain that conviction and removal is warranted before voting to remove Judge Porteous from his federal, constitutional office.

Moreover, a stringent standard of proof is particularly necessary in this case to ensure that the Senate does not become a “fall-back” venue, for use where – as here – criminal prosecution has been specifically declined. The Federal Bureau of Investigation and U.S. Department of Justice, Public Integrity Section, conducted an extensive criminal investigation into Judge Porteous. Following that searching inquiry, the government specifically declined to bring *any* charges against Judge Porteous. As a result, Judge Porteous was never criminally indicted, nor ever criminally tried. Nonetheless, the House elected to pursue impeachment proceedings against Judge Porteous on the basis of the very same conduct investigated – and determined to be insufficient to warrant criminal prosecution – by the FBI and DOJ. It would, therefore, be inequitable and create dangerous precedent for Senators to apply any standard of proof lower than that that would have applied had the government elected to pursue criminal charges against Judge Porteous. If anything, it should be more – not less – difficult to impeach and remove a federal judge via impeachment than to indict and convict that same judge in a criminal proceeding.

C. Motions to Dismiss Articles I, II, III, and IV

Each of the House’s four Articles of Impeachment fails to state an impeachable offense. Accordingly, on July 21, 2010, Judge Porteous moved to dismiss Articles I, II, III, and IV. All of these motions remain pending. Judge Porteous hereby incorporates those motions by reference and respectfully renews his request that the Senate dismiss the Articles of Impeachment. In view of the Committee’s indication that Judge Porteous’s motions to dismiss

will not be ruled upon prior to the evidentiary hearing, however, Judge Porteous further requests that the Senators review his motions to dismiss and consider and evaluate the evidence proffered by the House in light of the arguments raised therein. Judge Porteous has requested (and again requests) the opportunity to be heard on these constitutional questions before a decision is made whether to refer the questions to the full Senate. Alternatively, he requested (and again requests) the opportunity to argue these motions separately to the full Senate so that the Senators can be fully briefed on the threshold and important constitutional issues raised by these Articles.

Respectfully submitted,

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Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: September 1, 2010

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

Kirsten Konar – kkonar@seyfarth.com

Nafees Syed – nafees.syed@mail.house.gov

/s/ Daniel T. O'Connor

Exhibit 1

CURRICULUM VITAE

Henry E. Hildebrand, III, J.D.

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Education

- 1976 National Law Center of the George Washington University, Washington, D.C.
J.D. (with honors)
- 1973 Vanderbilt University, Nashville, Tennessee
B.A. (cum laude), Political Science/History minor

Professional Admissions

- 1976 Admitted to practice of law, State of Tennessee
- 1976 Admitted to practice, USDC, Middle Tennessee, Sixth Circuit Court of Appeals
- 1980 Admitted, United States Supreme Court

Professional History

- 1982-Present Standing Chapter 13 Trustee for the Middle District of Tennessee
- 1986-Present Standing Chapter 12 Trustee for the Middle District of Tennessee
- 2004-Present Of Counsel – Lassiter Tidwell Davis Keller & Hogan, PLLC
- 2005-Present Adjunct Faculty Member, LLM Program, St. Johns University School of Law
- 2002-Present Adjunct Faculty Member, Nashville School of Law
- 1990-2004 Managing Partner, Lassiter Tidwell & Hildebrand
- 1986-1990 Managing Partner, Passino & Hildebrand
- 1980-1986 Partner Attorney, Waddey & Jennings
- 1976-1980 Assistant Attorney General, Attorney General's Office for the State of Tennessee

Professional Associations

- Certified as specialist in Consumer Bankruptcy Law by the American Board of Certification and the Tennessee Supreme Court
- Member, American College of Bankruptcy
- National Association of Chapter 13 Trustees (NACTT)
 - Member, 1982-present
 - Board member 1988-1995
 - President, 1990-1991
 - Chairman, Legislative and Legal Committee, 1992-present
- NACTT Academy for Consumer Bankruptcy Education
 - Founding Board member 2007-present
 - Treasurer 2007-present
- Mid-South Commercial Law Institute
 - Board of Directors, 1997-2001, 2007-present
- Member, National Association of Consumer Bankruptcy Attorneys (NACBA)
- Member, Advisory Council, Wine and Spirits Wholesalers of America
- Master Member, Harry Phillips American Inn of Court
- Named to Tennessee's Best 150 Lawyers 2009, 2010
- Member, American Bar Association (ABA)
- Member, American Bankruptcy Institute (ABI)
- Member, Tennessee Bar Association
- Member, Nashville Bar Association

Publications

ABI Journal, Contributing Editor

- “The Standing Trustee and the Small Business Bankruptcy,” XXIX *ABI Journal* 2, 32-33, 58, March 2010
- “HAMP and Your Chapter 13 Practice,” XXIX *ABI Journal* 1, 12, 74-75, February 2010
- “A Chapter 13 Trustees' Obligations to Review Claims,” XXVIII *ABI Journal* 7, 38-39, 82, September 2009
- “*In re Reilly*: A Tale of Two Exemptions,” XXVIII *ABI Journal* 5, 12, 75, June 2009
- “Won't You Come Home George Bailey: Best Practices for a Troubled Mortgage Service Industry,” XXVII, *ABI Journal*, 4, 18, 50-51, April, 2008
- “Let's Remove Special Bankruptcy Protection for Subprime Mortgages,” XXVI, *ABI Journal*, No. 7, 14, September 2007
- “Unintended Consequences: BAPCPA and the New Disposable Income Test,” *ABI Journal*, Vol. XXV, No. 2, p. 14, March 2006
- “Consolidating Creditor Data in Chapter 13 Cases: A Project for Tomorrow Realized Today,” XXIII, *ABI Journal*, Vol. No. 10, September 2004

- "The Sad State of Mortgage Service Providers," XXII, ABI Journal, No. 10, September 2003
- "Toward a More Perfect Plan," XXII, ABI Journal, No. 10, February 2003
- "The Debtor and the Blown Engine: Plan Flexibility in Light of *Nolan v. Chrysler Financial Services*," XX, ABI Journal, No. 18, August 2001
- "Bankruptcy Reform in the 107th Congress: Déjà Vu All Over Again," XX, ABI Journal, No. 14, February 2001
- "Charitable Contributions and Disposable Income," XIX, ABI Journal, Vol. 8, April 2000
- "The Future of a Harsh Result: *In re Harshbarger*," XVIII, ABI Journal, No. 14, March 1999
- "The Hidden Costs of Bankruptcy Reform," XVII, ABI Journal, Vol. 16, April 1998

ABI Law Review

- "Getting Noticed: The New Notice Requirements of Section 342," XIII, ABI Law Review, 533, Winter 2005

The American Bankruptcy Law Journal

- "Impact of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 on Chapter 13 Trustees," Vol. 73, ABI Law Journal, 373, Spring 2005

NACCTT *Quarterly* – Case Notes Editor, 1987-present
Contributing Editor, 1993 – 1997
Editor, 1986-1987

NACCTT Academy – Contributing Editor, Critical Case Comments (online)

"Norton Annual Survey of Bankruptcy Law 1986," Callaghan, 1986 (co-author)

"Attorneys' Guide to Chapter 13 Under the Bankruptcy Code," Norton Bankruptcy Law and Practice Monograph 1984-No. 1, Callaghan, 1984.

Presentations at Recent Seminars and Conferences

- 02/10 Puerto Rico Bar Seminar
"Chapter 13 Case Law Update"
- 12/09 Mid-South Commercial Law Institute Annual Seminar
"The Bailout Continues"/"Recent Developments in Chapter 13"
- 10/09 States Association of Bankruptcy Attorneys Seminar
"Chapter 13 Case Law Update"
- 08/09 Midwest Regional Bankruptcy Seminar
"Chapter 13: Recent Developments"

- 07/09 NACTT Annual Seminar, Boston
"Washington Whirl – Mortgages in the World of Bankruptcy"
"Chapter 13 Case Law Update"
- 05/09 National Assoc. of Consumer Bankruptcy Attorneys (NACBA) Annual Convention
"Business Chapter 13s"
- 05/09 Collection Recovery Solutions Conference, Las Vegas
"Bankruptcy Challenges and Solutions"
- 04/09 Columbus Bar Association Bankruptcy Law Institute
"Chapter 13 Case Law Update"
- 04/09 Nashville School of Law Continuing Education Workshop
"Bankruptcy and Creditor's Rights"
- 04/09 American Bankruptcy Institute Spring Meeting
"Practical Strategies to Maximize the Debtor's Ability to Get a Discharge in Chapter 13"
- 01/09 NACTT Mid-Year Meeting
"Trustee/Judge Communications"
- 12/08 Tennessee Real Estate Law Conference
"Bankruptcy, RESPA, TILA, & Loss Mitigation in Home Loans"
- 12/08 Mid-South Commercial Law Institute Annual Seminar
"Bankruptcy After the Subprime Crisis"/"Recent Developments in Chapter 13"
- 11/08 Nashville School of Law Continuing Legal Education Workshop
"Bankruptcy, RESPA, TILA, & Loss Mitigation in Home Loans"
- 10/08 State Bar of Montana Annual Bankruptcy Law Seminar
"Recent Developments in Chapter 13"
- 09/08 States Association of Bankruptcy Attorneys Seminar
"Chapter 13 Case Law Update"
- 08/08 Midwest Regional Bankruptcy Seminar
"Chapter 13 Case Law Update"
- 07/08 NACTT Annual Seminar
"Chapter 13 Case Law Update"
- 06/08 Norton Institutes on Bankruptcy Law
"Chapter 13 Case Law Update"

- 02/08 Mortgage Bankers Association Conference
"Bankruptcy Boot Camp for Banks, Investors, Servicers and Their Attorneys"
- 01/08 Federal Bar Association (Northeast TN Chapter) Bankruptcy & Litigation Seminar
- 12/07 American Bankruptcy Institute Annual Winter Leadership Conference
- 10/07 National Conference of Bankruptcy Judges Annual Conference
- 06/07 Norton Institutes on Bankruptcy Law
"Chapter 13 Case Law Update"

Additional Appearances and Testimonies

- 12/09 Testimony before the House Subcommittee on Commercial and Administrative Law
Washington, D.C.
"Home Foreclosures: Will Voluntary Mortgage Modification Help Families
Save Their Homes? Part II"
- 12/06 Testimony before the Senate Committee on the Judiciary Subcommittee on
Administrative Oversight and the Courts
Washington, D.C.
"Oversight of the Implementation of the Bankruptcy Abuse Prevention Act"
- 03/99 Testimony before House Subcommittee on Commercial and Administrative Law
Washington, D.C.
"The Impact of HR 833 on the Consumer Bankruptcy System"

Exhibit 2

GOLDBERG KOHN

ATTORNEYS AT LAW

Practice Areas

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[Equity Committees](#)

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[Who You Gonna Call?](#)
[American College of Bankruptcy's 15th Class Includes Goldberg Kohn Principal](#)
[Chicago Bankruptcy Judge Ronald Barliant to Join Goldberg Kohn](#)

Events**Ronald Barliant****PRINCIPAL**

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Since joining Goldberg Kohn in September 2002 as a principal in the Bankruptcy & Creditors' Rights Group, Ronald Barliant has represented debtors and creditors in complex bankruptcy cases. As head of the firm's "burgeoning practice in debtor work," [1] his debtor representations include a machine tool manufacturing company in a Delaware chapter 11 case involving significant environmental and mass tort liabilities (plan confirmed with future claimants trust 11 months after filing), a wireless telecommunications carrier in a chapter 11 case requiring the restructuring of debts owed the FCC for PCS licenses (plan confirmed 5 months after filing), and a home products manufacturing company in a pre-negotiated chapter 11 case involving a debt-for-equity swap and the issuance of new debt securities (plan confirmed 75 days after filing).

His creditor representations include the indenture trustee for most of the aircraft operated by United Airlines; the prepetition secured lenders and debtor in possession lenders in the chapter 11 cases of a large manufacturing company; a foundry and a food distributor, the secured creditor resisting substantive consolidation in the Delaware case of a sub-prime lender; and claimants in asbestos-related chapter 11 cases.

Mr. Barliant has also argued several appeals and counseled major financial firms in connection with distressed investments, and both debtors and creditors in connection with workouts. In addition, he has mediated disputes in over a dozen cases, including Delphi Corporation, U.S. Energy Biogas, HALO, Alzheimer & Gray and Fleming Foods. He has also been engaged as a consultant by other law firms representing clients in bankruptcy cases, and as an expert witness. In addition, he is an estate representative in the Global Crossing case and was a director of a Delaware debtor in the automotive industry.

Before joining Goldberg Kohn, Mr. Barliant served as a United States bankruptcy judge for the Northern District of Illinois from 1988 to 2002. During his tenure on the bench, one of the largest cases over which he presided was Comdisco Inc. (in the technology services industry), involving more than \$4 billion in debt. Other prominent cases he heard include Florsheim Group Inc. (men's shoes); Birmingham Steel Corp. (specialty steel); Archibald Candy Corp. (confectionaries under Fanny May and Fanny Farmer brands); e-spire Communications Inc. (telecommunications); Ben Franklin Retail Stores (retail); Keck, Mahin & Cate (law firm); Forty-Eight Insulations Inc. (asbestos

[Principal Ronald Barliant Speaks at 2010 Central States Bankruptcy Workshop](#)

[Principals Ronald Barliant, Randy Klein and Jeremy Downs Participate in CBA Seminar on Bankruptcy Sales and Automotive Supplier Cases](#)

[Principal Ronald Barliant to Speak at CBA Bankruptcy & Reorganization Meeting](#)

[Principal Ronald Barliant Participates in ABA Teleconference on Workouts](#)

[Principals Ronald Barliant and Jon Cooper Speak at ABA Chicago Regional Conference](#)

[Principal Ronald Barliant Speaks at the Law Bulletin 2008 Real Estate Law Conference](#)

[Principal Randall Klein and Principal Ronald Barliant Participated in TMA Forum](#)

[Ronald Barliant speaks at TMA 2005 Annual Convention](#)

[The Uncertain Fate of Intellectual Property in Bankruptcy Cases](#)

[Strategies and Opportunities for Lenders in a Bankruptcy or Restructuring](#)

[Case Management Procedures: A Comparison of Delaware and Other Jurisdictions](#)

products); Outboard Marine Corp. (boat engines); and the developers in several significant single-asset real estate cases. Before ascending to the bench, he represented the trustee in the chapter 7 case of the owner and operator of an oil refinery, Energy Cooperative Inc., which at the time was the largest chapter 7 case in the history of the Northern District of Illinois.

Mr. Barliant is a Fellow in the American College of Bankruptcy. He has taught debtor-creditor relations at John Marshall Law School and has frequently lectured and participated in panel discussions on bankruptcy-related topics at the invitation of many organizations, including the Federal Judicial Center, the National Conference of Bankruptcy Judges (NCBJ), the American Bankruptcy Institute (ABI), the American Bar Association (ABA), the Commercial Finance Association, the Turnaround Management Association, the Chicago Bar Association (CBA) and LexisNexis Mealey's. Mr. Barliant was a panelist for "Claims Trading: Implications for the Chapter 11 Process, Pitfalls for the Claims Trader," The National Conference of Bankruptcy Judges, 2008; "Do You Remember Lender Liability?," The Distressed Debt Conference, 2008; and "Valuation in the Context of Bankruptcy," 57th Annual Meeting of the Seventh Circuit Bar Association and Judicial Conference of the Seventh Circuit, 2008.

His published writings include articles on chapter 11 plans, executory contracts, preferences, and the anti-trust litigation in the United Airlines case (in which he represented an indenture trustee/defendant). He also co-authored an article featured in the American Bankruptcy Institute Law Review, "From Free-Fall to Free-For-All: The Rise of Pre-Packaged Asbestos Bankruptcies (Winter 2004). He was a member of the board of governors of the NCBJ from 1998 to 2000 and of the NCBJ's Endowment for Education from 1997 to 1998. In addition, he served on national judicial committees and on working groups considering technology issues and the treatment of mass torts in bankruptcy cases. Mr. Barliant is listed in The Best Lawyers in America and Illinois Super Lawyers, as well as Chambers USA: America's Leading Lawyers for Business. He is currently a member of the ABI (Business Reorganization Committee), ABA (Business Law Section), and NCBJ (Former Judges Section). He is also Chair of the Bankruptcy and Reorganization Committee of the CBA.

Mr. Barliant is admitted to practice in Illinois. He received his law degree in 1969 from Stanford University School of Law, where he was a member of the editorial board of the Stanford Law Review. He received his B.A. in 1966 from Roosevelt University.

[1] Chambers USA: America's Leading Lawyers for Business 2006, p. 773.

PROFESSIONAL ACTIVITIES

- American Bankruptcy Institute, Member, Business Reorganization Committee
- American Bar Association, Member, Business Law Section
- National Conference of Bankruptcy Judges, Member, Former Judges Section
- Chicago Bar Association, Chair, Bankruptcy and Reorganization Committee

EDUCATION

- Stanford University, J.D., 1969
- Roosevelt University, B.A., 1966

BAR ADMISSIONS

- Illinois

ARTICLES

- [Bad Medicine: Cram Down, Section 1111\(B\)\(2\) Elections and Federal Regulations](#)
- [Principal Ronald Barliant quoted in The Deal](#)
- [United's Long Journey into the Far Reaches of Section 1110 - November/December 2005](#)
- [From Free-Fall to Free-For-All: The Rise of Pre-Packaged Asbestos Bankruptcies](#)
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Exhibit 3

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EMPLOYMENT

University of Washington School of Law, Seattle, Washington
Professor of Law, June 2010 – present

Seattle University School of Law, Seattle, Washington
Associate Professor of Law (with tenure), July 2009 – May 2010
Associate Professor of Law, July 2006 – June 2009

Tulane Law School, New Orleans, Louisiana
Associate Professor of Law, July 2003 – June 2006

Willkie Farr & Gallagher LLP, New York, New York
Business Reorganization and Restructuring Associate, August 2002 –
February 2003

**The Honorable Prudence Carter Beatty, U.S. Bankruptcy Court for the
Southern District of New York, New York, New York**
Law Clerk, August 2001 – July 2002

EDUCATION

New York University School of Law, New York, New York
J.D., 2001
Executive Editor, *New York University Law Review*
Judge John J. Galgay Fellowship in Bankruptcy and Reorganization Law
Merit Scholarship Recipient

Yale University, New Haven, Connecticut
B.A. in History, 1998
Senior Thesis: *Diverging Religious Approaches to the Role of Faith in
Revolution: The Conflict Between the Church Hierarchy and the
Progressive Clergy in Nicaragua, 1981-1983*
Lewis P. Curtis Fellowship for Travel
Edgar J. Boell Prize

8/25/2010

PUBLICATIONS

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, 68 WASH. & LEE L. REV. (forthcoming 2011)

Opinion, *Resolution Oversight*, NAT'L L.J., May 31, 2010, at 34 (with Jonathan R. Nash)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, 26 EMORY BANKR. DEV. J. 5 (2009)

Setting the Record Straight: A Sur-Reply to Professors Lawless et al., 33 SEATTLE U. L. REV. 93 (2009)

Failing to Answer Whether Bankruptcy Reform Failed: A Critique of the First Report from the 2007 Consumer Bankruptcy Project, 83 AM. BANKR. L.J. 27 (2009) (peer-reviewed)

The Real Student-Loan Scandal: Undue Hardship Discharge Litigation, 83 AM. BANKR. L.J. 179 (2009) (peer-reviewed) (with Michelle R. Lacey)

- cited in *In re Miller*, 409 B.R. 299 (Bankr. E.D. Pa. 2009)

The Utility of Opacity in Judicial Selection, 64 N.Y.U. ANN. SURV. AM. L. 633 (2009) (symposium issue)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, 61 VAND. L. REV. 1745 (2008) (with Jonathan R. Nash)

Examining the Perceived Quality of Appellate Review in the Bankruptcy System, NORTON BANKR. L. ADVISER, Aug. 2008, at 1 (with Jonathan R. Nash)

Illness and Inability to Repay: The Role of Debtor Health in the Discharge of Educational Debt, 35 FLA. ST. U. L. REV. 505 (2008)

Eliminating the Judicial Function in Consumer Bankruptcy, 81 AM. BANKR. L.J. 471 (2007) (peer-reviewed)

- cited in *In re Cox*, 393 B.R. 681 (Bankr. W.D. Mo. 2008); *In re Quigley*, 391 B.R. 294 (Bankr. N.D. W. Va. 2008); *In re Turner*, 384 B.R. 537 (Bankr. S.D. Ind. 2008); *In re Waters*, 384 B.R. 432 (Bankr. N.D. W. Va. 2008)

Analyzing Chapter 7 Abuse Dismissal Motions Post-BAPCPA: A Reply on Cortez, AM. BANKR. INST. J., December/January 2007, at 16

- cited in *In re Henebury*, 361 B.R. 595 (Bankr. S.D. Fla. 2007)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, 74 U. CIN. L. REV. 405 (2005) (with Michelle R. Lacey)

- cited in *In re Cumberworth*, 347 B.R. 652 (B.A.P. 8th Cir. 2006); *In re Woody*, 345 B.R. 246 (B.A.P. 10th Cir. 2006); *In re Greenwood*, 349 B.R. 795 (Bankr. D. Ariz. 2006)

On Proof of Preferential Effect, 55 ALA. L. REV. 281 (2004), reprinted in 13 J. BANKR. L. & PRAC. 95 (2004)

- cited in *In re Bankvest Capital Corp.*, 375 F.3d 51 (1st Cir. 2004)

Comment, *Bankruptcy Court Jurisdiction and Agency Action: Resolving the NextWave of Conflict*, 76 N.Y.U. L. REV. 945 (2001)

Note, *Beyond the Limits of Equity Jurisprudence: No-Fault Equitable Subordination*, 75 N.Y.U. L. REV. 1489 (2000)

AMICUS BRIEF

Brief for Amicus Curiae Professor Rafael I. Pardo in Support of Neither Party, *United Student Aid Funds, Inc. v. Espinosa*, 130 S. Ct. 1367 (2010) (No. 08-1134), 2009 WL 2875368

CONGRESSIONAL TESTIMONY

An Undue Hardship? Discharging Educational Debt in Bankruptcy: Hearing Before the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary, 111th Congress (September 23, 2009)

SELECT PRESENTATIONS

2009

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Workshop, University of California, Irvine School of Law (December 3, 2009)

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Colloquium, University of Washington School of Law (November 23, 2009)

The Real Student-Loan Scandal: Undue Hardship Discharge Litigation, Seattle Economics Council, Seattle, Washington (October 14, 2009) (inaugural speaker for 2009-2010 season)

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Colloquium, Emory University School of Law (September 9, 2009)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Harvard-Texas Joint Conference on Commercial Law Realities, University of Texas School of Law (March 28, 2009) (in absentia)

2008

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Research Conference on Access to Civil Justice: Empirical Perspectives, New York University School of Law (November 13, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Faculty Workshop, Arizona State University, Sandra Day O'Connor College of Law (October 22, 2008)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Annual Meeting of the Midwestern Law & Economics Association, Northwestern University School of Law (October 4, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
2008 Washington Bankruptcy Judges Conference, Blaine, Washington
(September 19, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Third Annual Conference on Empirical Legal Studies, Cornell Law School
(September 12, 2008) (poster session)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Annual Fall Symposium of the Ninth Circuit Bankruptcy
Appellate Panel, Ashland, Oregon (August 26, 2008) (co-presented with
Jonathan R. Nash)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Houston Higher Education Finance Roundtable, University of Houston Law
Center (May 19, 2008)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Annual Meeting of the American Law and Economics
Association, Columbia Law School (May 16, 2008)

The Utility of Opacity in Judicial Selection, NYU Annual Survey of American
Law Symposium, *Tradeoffs of Candor: Does Judicial Transparency Erode
Legitimacy?*, NYU School of Law (March 11, 2008)

2007

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Annual Meeting of the Midwestern Law & Economics Association, University
of Minnesota School of Law (October 13, 2007)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Federal Judicial Center Workshop for Bankruptcy Judges II, Austin, Texas
(September 17 & 18, 2007)

*Illness and Inability to Repay: The Role of Debtor Health in the Discharge of
Educational Debt*, Federal Judicial Center Workshop for Bankruptcy Judges II,
Austin, Texas (September 17 & 18, 2007)

*Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the
Discharge of Educational Debt*, Federal Judicial Center Workshop for
Bankruptcy Judges II, Austin, Texas (September 17 & 18, 2007)

Eliminating the Judicial Function in Consumer Bankruptcy, National Bankruptcy
Administrators Conference, Asheville, North Carolina (July 31, 2007) (keynote
address)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Joint Annual Meetings of the Law and Society Association
and Research Committee on Sociology of Law, Humboldt University (July 28,
2007) (co-presented with Jonathan R. Nash)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Stanford/Yale Junior Faculty Forum, Stanford Law School
(May 18, 2007) (co-presented with Jonathan R. Nash)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Reenvisioning Law Colloquium, University of Houston Law Center (January 26, 2007)

2006

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Annual Meeting of the Midwestern Law & Economics Association, University of Kansas School of Law (October 20, 2006) (co-presented with Jonathan R. Nash)

2005

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Faculty Workshop, St. John's University School of Law (October 26, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Faculty Workshop, Seattle University School of Law (October 10, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Young Scholars Workshop, Annual Meeting of the Southeastern Association of Law Schools, Hilton Head Island, South Carolina (July 17, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Tulane-Loyola Junior Faculty Workshop, Tulane Law School (March 18, 2005)

MEDIA COMMENTARY

Diane Davis & Eileen J. Williams, *Supreme Court Says Ch. 7 Trustee Is Not Required to Object to Ambiguous Exemption*, 22 Bankr. L. Rep. (BNA) 855, 856 (June 24, 2010).

Diane Davis & Bernard J. Pazanowski, *Supreme Court Approves Forward-Looking Test to Calculate "Projected Disposable Income,"* 22 Bankr. L. Rep. (BNA) 781, 781 (June 10, 2010).

Ross Reynolds, *The Conversation: Trade School in Tough Times: Is It Worth It?*, KUOW Puget Sound Public Radio, Mar. 25, 2010.

Diane Davis, *Bankruptcy Attorneys Consider Impact of Espinosa Decision on Practitioners*, 22 Bankr. L. Rep. (BNA) 395, 401 (Mar. 25, 2010).

Peter S. Goodman, *In Hard Times, Lured into Trade School and Debt*, N.Y. TIMES, Mar. 14, 2010, at A1.

Thomas G. Dolan, *Does the Repaying of Private Student Loans Represent Undue Hardship?*, HISP. OUTLOOK HIGHER EDUC., Feb. 8, 2010, at 20.

Eric Kelderman, *Supreme Court Considers Case About Excusing Student Debt Through Bankruptcy*, CHRON. HIGHER EDUC., Nov. 29, 2009.

Christine Dugas, *Student Loans Are Crushing New Grads; Without Jobs, Paying Off \$100,000 in Debt Is Tough*, USA TODAY, May 13, 2009, at 6A.

Bill Virgin, *Beware the Latest 'C Level' Executive*, SEATTLE POST-INTELLIGENCER, Oct. 28, 2008, at D1.

Vesna Jaksic, *Your Attendance Is Required*, NAT'L L.J., Sept. 24, 2007, at 4.

COURSES TAUGHT

Bankruptcy, Contracts, Payment Systems, Sales, Secured Transactions, Trusts and Estates, Legal Scholarship Colloquium

LAW SCHOOL SERVICE

Faculty Liaison, Fair Debt Collection Observation Project, Seattle University School of Law, September 2009 – January 2010

Member, Planning Committee for *State Judicial Independence—A National Concern*, Seattle University School of Law, April 2009 – September 2009

Member, Faculty Appointments Committee, Seattle University School of Law, July 2008 – May 2009

Chair, Special Faculty Appointments Committee, Seattle University School of Law, January 2008 – May 2008

Chair, Commercial Law Focus Area, Seattle University School of Law, July 2006 – May 2010

Member, Curriculum Committee, Seattle University School of Law, July 2006 – July 2007

Member, Legal Research and Writing Committee, Tulane Law School, July 2005 – July 2006

Member, Readmissions Committee, Tulane Law School, July 2005 – July 2006

Faculty Liaison, Honor Board, Tulane Law School, March 2005 – July 2006

Member, Special Clinical Appointments Committee for the Tulane Environmental Law Clinic, Tulane Law School, July 2004 – July 2005

Member, Faculty Appointments Committee, Tulane Law School, July 2004 – July 2005

Advisor, La Alianza del Derecho, Tulane Law School, September 2003 – July 2006

Member, Judicial Clerkship Committee, Tulane Law School, July 2003 – July 2004

PROFESSIONAL ACTIVITIES

- Member, AALS Committee on Research, August 2010 - present
- Panelist, American Bankruptcy Institute Media Teleconference on *United Student Aid Funds v. Espinosa*, No. 08-1134 (U.S. Mar. 23, 2010), March 2010, http://www.abiworld.org/webinars/2010/Espinosa_Supreme_Court/index.html
- Academic Member, Editorial Advisory Board, *American Bankruptcy Law Journal*, January 2010 – present
- Chair-Elect, AALS Section on Creditors' and Debtors' Rights, January 2010 – present
- Volunteer Attorney, King County Bar Association Debt Clinic, April 2009 – present
- Secretary and Treasurer, AALS Section on Creditors' and Debtors' Rights, January 2009 – January 2010
- Presenter, Washington Bankruptcy Judges Conference, Blaine, WA, September 2008
- Panel Moderator, Third Annual Conference on Empirical Legal Studies, Cornell Law School, September 2008
- Presenter, Annual Fall Symposium of the Ninth Circuit Bankruptcy Appellate Panel, Ashland, OR, August 2008
- Discussant, "Microinitiatives," Globalization & Justice: Interdisciplinary Dialogues, Seattle University, February 2008
- Program Faculty, Federal Judicial Center, Workshop for Bankruptcy Judges II, Austin, TX, September 2007
- Program Faculty, Federal Judicial Center and Administrative Office of the U.S. Courts, National Bankruptcy Administrators Conference, Asheville, NC, July 2007
- Newsletter Editor, AALS Section on Creditors' and Debtors' Rights, January 2007 – May 2008
- Member, Board of Directors, Consumer Education and Training Services ("CENTS"), Seattle, WA, October 2006 – present
- Guest Blogger, *Concurring Opinions*, <http://www.concurringopinions.com>, August 2006
- Program Faculty, Thirtieth Annual Seminar on Bankruptcy Law and Practice, Stetson University College of Law, December 2005
- Member, Southeastern Association of Law Schools (SEALS) Young Scholars Committee, April 2005 – September 2005
- Consultant, New Orleans Legal Assistance Corporation, New Orleans, LA, September 2004 – September 2005
- Advisory Board, Bankruptcy Litigation Skills Symposium, American Bankruptcy Institute/Tulane Law School, April 2004 – May 2005

AWARDS AND PROFESSIONAL ORGANIZATIONS

Institute for Higher Education Law and Governance Fellow, Houston Higher Education Finance Roundtable, University of Houston Law Center, May 2008

American Bankruptcy Law Journal Fellow, Annual Meeting of the National Conference of Bankruptcy Judges, November 2005

Member, Bar of the United States Supreme Court, 2009 – present

Member, Society of Empirical Legal Studies, 2007 – present

Member, American Bankruptcy Institute, 2003 – present

Member, Washington State Bar Association, 2002 – present

PERSONAL

Born: Havre, Montana

Languages: Spanish (fluent) and French (proficient)

Interests: classical piano, mountaineering, squash

Exhibit 4

DANE S. CIOLINO

LOYOLA LAW SCHOOL
526 PINE STREET
NEW ORLEANS, LOUISIANA 70118

TELEPHONE: (504) 834-8519
E-MAIL: DCIOLINO@LOYNO.EDU
WEB SITE: WWW.LOYNO.EDU/~DCIOLINO

EDUCATION

TULANE UNIVERSITY LAW SCHOOL, *New Orleans, Louisiana*
J.D., *magna cum laude*, 1988
Editor in Chief, *Tulane Law Review*
Order of the Coif
Winner, Maritime Law Center Writing Competition

RHODES COLLEGE, *Memphis, Tennessee*
B.A., *cum laude*, 1985
Recipient, Political Science Department Award
President, Sigma Alpha Epsilon Fraternity

EMPLOYMENT

LOYOLA LAW SCHOOL, *New Orleans, Louisiana*
Alvin R. Christovich Distinguished Professor of Law, 2002-present
Professor of Law, 2002
Associate Professor of Law, 1998-2002 (Tenured 2001)
Assistant Professor of Law, 1997-1998
Visiting Assistant Professor of Law, 1995-1997
Adjunct Instructor of Law, 1992-1995

TULANE LAW SCHOOL, *New Orleans, Louisiana*
Visiting Professor of Law, 2005
Visiting Professor of Law, 2002

STONE, PIGMAN, WALTHER & WITTMANN, LLC, *New Orleans, Louisiana*
Associate, 1991-1995
Areas of Practice: Commercial Litigation, Intellectual Property, Criminal Law

CRAVATH, SWAINE & MOORE, LLP, *New York, New York*
Associate, 1989-1991
Consultant, 2005-2006
Areas of Practice: Commercial Litigation, Intellectual Property

UNITED STATES DISTRICT COURT, *New Orleans, Louisiana*
Law Clerk to Honorable Peter H. Beer, 1988-89

PUBLICATIONS

DANE S. CIOLINO, *LOUISIANA PROFESSIONAL RESPONSIBILITY LAW & PRACTICE* (3d ed. 2007)

Dane S. Ciolino, *Lawyer Ethics Reform in Perspective: A Look at the Louisiana Rules of Professional Conduct Before and After Ethics 2000*, 65 LA. L. REV. 536 (2005)

Dane S. Ciolino, *Redefining Professionalism as Seeking*, 49 LOY. L. REV. 229 (2003)

Dane S. Ciolino & Erin A. Donelon, *Questioning Strict Liability in Copyright*, 54 RUTGERS L. REV. 351 (2002)

Dane S. Ciolino, *Why Copyrights Are Community Property (Sort Of): Through the Rodrigue v. Rodrigue Looking Glass*, 47 LOY. L. REV. 631 (2001)

Dane S. Ciolino, *Why Copyrights Are Not Community Property*, 60 LA. L. REV. 127 (1999)

Dane S. Ciolino, *Reconsidering Restitution in Copyright*, 48 EMORY L.J. 1 (1999)

Dane S. Ciolino, *Rethinking the Compatibility of Moral Rights and Fair Use*, 54 WASH. & LEE L. REV. 33 (1997)

Dane S. Ciolino, *The Mental Element of Louisiana Crimes: It Doesn't Matter What You Think*, 70 TUL. L. REV. 855 (1996)

Dane S. Ciolino, *Moral Rights and Real Obligations: A Property-Law Framework for the Protection of Authors' Moral Rights*, 69 TUL. L. REV. 935 (1995)

Dane S. Ciolino & Gary R. Roberts, *The Missing Direct-Tender Option in Federal Third-Party Practice: A Procedural and Jurisdictional Analysis*, 68 N.C.L. REV. 423 (1990)

Dane S. Ciolino, *Casenote, Lafleur v. John Deere Co.: Recovery of Nonpecuniary Damages in Redhibitory Actions*, 61 TUL. L. REV. 704 (1987)

TEACHING

Law School: Principal Courses

The Legal Profession, Trial Advocacy, Contracts, Criminal Law & Procedure,

Law School: Other Courses

Business Organizations I & II, Contracts I & II, Common Law Contracts for Civil Law Students, Computer Law, Copyright Law, Criminal Law Clinic, Criminal Law Seminar, Constitutional Criminal Procedure, Civil Law of Persons, Civil Law of Community Property, Civil Law of Property, Introduction to Law and Legal Methods, Legal Ethics Seminar, International Copyright Law, Law & Poverty, Professional Seminar in Practical Lawyering, Professional Seminar in Storytelling

Bar Review

Instructor, BAR/BRI Bar Review Course (legal ethics and professional responsibility law), 2006-present

Instructor, BAR/BRI Louisiana Bar Review Course (criminal law, evidence and criminal procedure), 2005-present

Instructor, BAR/BRI Louisiana Bar Review Course (Louisiana property law, family law, community-property law), 1995-2005

Instructor, LSU Law Center Bar Review Course (Louisiana family law), 1999-2002

COMMUNITY SERVICE

Member, Louisiana State Bar Association Board of Governors, 2007-present

Board Member, Orleans Parish Indigent Defender Program, 2006-2007

Reporter, Louisiana State Bar Association Ethics 2000 Committee, 1999-2004

Reporter, Louisiana State Law Institute Emancipation Committee, 2004-2008

Reporter, Louisiana State Law Institute Tutorship Procedure Committee, 2000-present

Reporter, Louisiana State Law Institute Interdiction Committee, 1996-2002

Member, Louisiana Supreme Court Committee on the Prevention of Lawyer Misconduct, 1999-2003

Member, American Law Institute, 2003-present

Member, Louisiana State Law Institute Criminal Law Committee, 2006-present

Interim Host, *It's the Law*, Cox Cable Television New Orleans and Jefferson, December 1999-2000

Louisiana State Bar Association, Ethics Advisory Committee
Member, 2000-2003
Reporter, 1997-2000

Council Member, Louisiana State Law Institute, 1997-2000

Louisiana Attorney Disciplinary Board
Hearing Committee Member, 1998-1999
Hearing Committee Chairperson, 1999-2003

Board Member, Louisiana Organization for Judicial Excellence, 2004-present

Instructor, Louisiana State Bar Association Diversionary Ethics School, 1999-present

Member, Louisiana State Bar Association Codes of Conduct Committee, 1998-present

Member, Louisiana State Bar Association Professionalism Committee, 1997-present

Louisiana Supreme Court Bar Admissions Advisory Committee
Member, 1997-1999
Chairperson, 1999-2001

Director, Pro Bono Criminal Law for Civil Lawyers (two-day CLE seminar training civil lawyers to undertake pro bono criminal cases), 1995-2002

Advisory Editor, *Tulane Law Review*, 1993-present

Member, Board of Directors, Louisiana Capital Assistance Center (public-interest organization defending capital cases for indigent clients), 1996-2006

Appointed Counsel, Orleans Parish Criminal District Court (pro bono representation of indigent defendants in first- and second-degree murder prosecutions), 1991-present.

Member, Federal Criminal Justice Act Panel, Eastern District of Louisiana (panel of attorneys accepting appointments to represent indigent defendants in federal prosecutions), 1991-present

Evaluator, American Bar Association, Central European Law Initiative, March 1999 (evaluated code of legal ethics for the Republic of Armenia)

LOYOLA UNIVERSITY AND LAW SCHOOL SERVICE

Faculty Advisor, *Loyola Law School Honor Board*, 2002-present

Faculty Advisor, *Loyola Law Review*, 1997-2003, 2006

Faculty Advisor, *Order of the Barristers*, 1998-2003

Faculty Advisor, *Loyola Intellectual Property Law Quarterly*, 1996-2002

Faculty Advisor, *Loyola ATLA Chapter*, 1997-2002

Law School Representative, Loyola University Senate, 1997-1999

Loyola Law School Dean Search Committee

Chairperson, 2001-2002

Member, 2000-2001

Chairperson, Loyola Law School Law Clinic Committee, 2005-2007

Chairperson, Loyola Law School Faculty Unification Committee, 2004

Chairperson, Loyola Law School Library Director Search Committee, 2000-2001

Member, Loyola Law School By-Laws Committee, 2000-2001

Member, Loyola Law School Pre-Admissions Committee, 1998-1999

Member, Loyola Law School Tenure Guidelines Committee, 1998-1999

Member, Loyola Law School Library Committee, 1997-1998

Member, Loyola Law School Skills Committee, 1997-1998

Member, Loyola Law School Curriculum Committee, 1996-1997

Member, Loyola Law School Admissions Committee, 1996-1997

Member, Loyola Law School Student Recruitment and Career Services Committee, 1995-1996

COMMUNITY HONORS

Recipient, Camille Gravelle Pro Bono Award, Federal Bar Association, New Orleans Chapter, 2007

Lawdragon 3000 (list of top American lawyers), 2006

Recipient, *Gambit Magazine*, Forty-Under-Forty Award, 2002

Recipient, Louisiana State Bar Association, President's Award, 2001

Recipient, *City Business Magazine*, Power Generation Award, 2000

Recipient, Gillis Long Poverty Law Center Public Service Award, 1997

EXPERT WITNESS TESTIMONY¹

Active Solutions, L.L.C. v. Dell, Inc., No. 2007-3665, Civil District Court for the Parish of Orleans, State of Louisiana

Adler v. Doyle (In re Woven Treasures, L.L.C.), 69 180 M 01493 07, American Arbitration Association

AmCareco, Inc. v. Lucksinger, No. 499,737, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

Adamson v. Bailey, No. 493,309, First Judicial District Court, Parish of Caddo, State of Louisiana

American Income Life Ins. Co. v. Nicholas Matthew Nitkowski et al., Civ. No. 05-2228(1-3), United States District Court Eastern District of Louisiana

Barton v. Butler, No. 515,473, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

Belle Terre Lakes Home Owners Assoc. v. Patricia McGovern, No. 41922, Fortieth Judicial District Court for the Parish of St. John the Baptist, State of Louisiana

¹All matters in which Dane S. Ciolino has provided a public expert report, affidavit, deposition testimony or trial testimony.

Bertucci v. Lafayette Ins. Co., No. 01-0608, Civil District Court for the Parish of Orleans, State of Louisiana

Beevers and Beevers, LLP v. Sirgo, No. 624-259 "B," Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Boudoin v. St. John the Baptist Parish School Bd., No. 2004-08242, Office of Workers' Compensation, State of Louisiana

Bowes v. Clean Scene Servs., L.L.C., No. 661-147, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Campbell v. City of New Orleans, No. 98-18633, Civil District Court for the Parish of Orleans, State of Louisiana

Chalmette Payment Processing, L.L.C. v. Munson, Civ. No. 03-1060, United States District Court for the Eastern District of Louisiana

Chevron U.S.A., Inc. v. State of Louisiana, Louisiana State Mineral Bd. and Louisiana Dept. of Natural Resources, No. 93,658, Seventeenth Judicial District Court for the Parish of Lafourche, State of Louisiana

Childress v. Childress, No. 488-388, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Domingue v. Salomon Smith Barney, Inc. & Coughlin, No. 01-03076, NASD Dispute Resolution Arbitration, New Orleans, Louisiana

Dougherty v. Haag, No. 05-06993, Superior Court for the County of Orange, State of California

Doyle v. ICNA, Civil District Court for the Parish of Orleans, State of Louisiana

Edmonds v. Williamson, No. 2002-CV-42-R, Circuit Court of Kemper County, State of Mississippi

Felham Enterprises (Cayman) Ltd. v. Certain Underwriters at Lloyd's, London Companies, Zurich American Ins. Co., Marine Office of Am. Corp. & Trinity Yachts, Inc., No. 02-3588, United States District Court for the Eastern District of Louisiana

Foley & Lardner, LLP v. Kenneth G. Daniels, LLC, Adv. No. 05-01003, United States Bankruptcy Court for the Middle District of Louisiana

Forbes v. St. Martin, Civ. Action No. C2401 01 1745(2), Chancery Court, First Judicial District Court, Harrison County, Mississippi

Forbis v. Int'l Health Care Properties, X, Ltd., 97-CI-03198, Jefferson Circuit Court, State of Kentucky

Gill v. Becnel, No. G2001-1199 R/1, Chancery Court for the First Judicial District, Hinds County, State of Mississippi

Glynn v. Sylvester, No. 228080, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana

Haynes v. Williamson, No. 3:05cv186-HTW-JCS, United States District Court for the Southern District of Mississippi, Jackson Division

Hebert v. Avery, No. 2001-16561, Civil District Court for the Parish of Orleans, State of Louisiana

Hunter & Blazier v. Logan, No. 2007-1873, Fourteenth Judicial District Court, Parish of Calcasieu, State of Louisiana

In re American International Refinery, Inc., No. 04-21331, United States Bankruptcy Court, Western District of Louisiana, Lake Charles Division

In re Petition to Accord Immigrant Classification to Timothy Gray Cameron, Esq., as an Alien of Extraordinary Ability, United States Department of Homeland Security, United States Citizenship and Immigration Services

In re Confidential Respondents, 04-DB-005, Louisiana Attorney Disciplinary Board

In re Succession of Marion Roberts, No. 96-2904(F), Civil District Court for the Parish of Orleans, State of Louisiana

In re Zyprexa Products Liability Litigation, MDL No. 1596, United States District Court for the Eastern District of New York

Leon v. Wilson, No. 96-14608(F), Civil District Court for the Parish of Orleans, State of Louisiana

Liberty Mutual Ins. Co. v. Jotun Paints, Inc. & Jotun, Inc., Civ. Action No. 07-3114, United States District Court for the Eastern District of Louisiana

Logan v. Hit or Miss, L.L.C., Civil Action No. 6:07-CV-1116 LO, United District Court for the Western District of Louisiana

Louisiana State Bar Association v. Carr and Associates, Inc., No. 2006-14440, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

Oliver v. Orleans Parish School Board, No. 2005-12244 (N), Civil District Court, Parish of Orleans, State of Louisiana

Oreck Direct, LLC v. Dyson, Inc., Civ. Action No. 07-2744, United District Court for the Eastern District of Louisiana

Read v. Read, No. 2000-15283(E), Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

Reuther v. Smith, No. 2001-18124, Civil District Court for the Parish of Orleans, State of Louisiana

Spahr, v. Dallam, No. 98-5840, Civil District Court for the Parish of Orleans, State of Louisiana

Southern Scrap Material Co., L.L.C. v. Fleming, Civ. No. 01-2544, United States District Court for the Eastern District of Louisiana

*Stanley v. Trinchar*d, Civ. No. 02-1235, United States District Court for the Eastern District of Louisiana

State of Louisiana v. Khristopher Kyzar, No. 11-05-0461, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

State of Louisiana v. Robert "Bob" Odom, No. 08-02-547, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

State of Louisiana v. Ricky Langley, No. 10258-02, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

State of Louisiana v. Terryance Russel, No. 375-503, Criminal District Court for the Parish of Orleans, State of Louisiana

State of Louisiana v. Robert Wilkins, No. 04- 19337, 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana

Sturlese v. J.B. Jones, Jr., No. 10-16390, Thirty-Eighth Judicial District Court, Parish of Cameron, State of Louisiana

Succession of Marguerite Nell Riggs Griffin, No. 646-584, Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana

Tessier v. Moffatt, No. 98-CV-00116, United States District Court for the Eastern District of Louisiana

Waggoner v. Williamson, No. 03-KV-0151-J, Circuit Court of Adams County, State of Mississippi

Waste Management of Louisiana, L.L.C. v. Penn-America Insurance Co., No. 2006-2452, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

Williams v. Williamson, No. 4:03-CV-88LN, United States District Court for the Southern District of Mississippi

Washington v. Williamson, No. 251-05-112 CIV, Circuit Court of Hinds County, State of Mississippi

United States v. Edwin Edwards, Crim. No. 98-165-B-M2, United States District Court for the Middle District of Louisiana

United States ex rel. William St. John LaCorte v. Merck & Co., Inc., No. 99-03807, United States District Court for the Eastern District of Louisiana

OTHER

Personal

Age 45

Married to Wendy Dehan Ciolino

Three Children: Hale (17), Price (15) & Camille (10)

Bar Admissions

Supreme Court of the United States

State of Louisiana

State of New York

United States Court of Appeals for the Fifth Circuit Court
United States District Court for the Eastern District of Louisiana (New Orleans)
United States District Court for Western District of Louisiana (Shreveport)
United States District Court for the Southern District of New York (New York City)

Dated: May 22, 2009

Exhibit 5

G. CALVIN MACKENZIE

Colby College
Waterville, ME 04901
(207) 859-5306
E-mail: gcmacken@colby.edu

127 Main Street
Bowdoinham, ME 04008
(207) 666-8064

EDUCATION

1971 - 1975	Harvard University, Cambridge, MA	Ph.D. in Government
1967 - 1969	Tufts University, Medford, MA	M.A. in Political Science
1963 - 1967	Bowdoin College, Brunswick, ME	B.A. in Government

ACADEMIC EMPLOYMENT

COLBY COLLEGE, Waterville, ME

2008 - 2009	<i>Chair, Department of Government</i>
2001 -	<i>Goldfarb Family Distinguished Professor of Government</i> (Endowed Chair)
1991 - 2001	<i>Distinguished Presidential Professor of American Government</i> (Endowed Chair)
1992 - 1995	<i>Chair, Department of Government</i>
1986 - 1991	<i>Professor of Government</i> Teach courses on American Congress, American presidency, public policy analysis, and public administration.
1985-1988	<i>Vice President for Development and Alumni Relations</i> Directed major capital campaign, annual fund, planned giving, and all alumni relations activities. Supervised staff of 22. College's chief development officer, reporting to the president. On leave from faculty during this period.
1982 - 1986	<i>Associate Professor of Government</i> (with tenure)
1980 - 1985	<i>Director, Public Policy Program</i>
1988 - 1992	

Supervised interdisciplinary program. Worked closely with public policy practitioners, oversaw curriculum, directed independent student projects, made arrangements for speakers and conferences, and organized extensive internship program.

1978 - 1982 *Assistant Professor of Government*

THE GEORGE WASHINGTON UNIVERSITY, Washington, DC

1975 - 1978 *Assistant Professor of Political Science*
Taught graduate and undergraduate courses in the following areas: American national government, the legislative process, public policy analysis, government budgeting, the electoral process, and American political behavior. Taught extensively in the University's graduate program for congressional staff members and executive branch employees.

HARVARD UNIVERSITY, Cambridge, MA

1973 - 1975 *Research Assistant, Government Department*
Teaching Fellow and Tutor, Government Department

ADDITIONAL WORK EXPERIENCE

2005 **BEIJING FOREIGN STUDIES UNIVERSITY, Beijing, China**
Fulbright Lecturer
Taught two courses on American public policy to Chinese graduate students. Lectured at universities all over China.

2002 **NATIONAL COMMISSION ON THE PUBLIC SERVICE (Volcker Commission), Washington DC**
Senior Advisor

2000-2002 **THE BROOKINGS INSTITUTION, Washington DC**
Visiting Fellow
Senior Advisor, Presidential Appointee Initiative
Lead participant in major study of presidential appointment process. Funded by Pew Charitable Trusts.

1999-2000 **INSTITUTE OF UNITED STATES STUDIES, UNIVERSITY OF LONDON, London, England**
The John Adams Fellow
Lectured and participated in seminars during year-long fellowship in London.

1997-1998 **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION, Washington DC**
Project Director, Re-Engaging Citizens in Governance Project
Directed extensive study of low levels of citizen trust and civic engagement in government. Provided support to distinguished panel chaired by Paul Volcker.

Managed all research and development of databases. Author of panel report. Funded by Pew Charitable Trusts.

- 1996-1999** **MAINE STATE COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**
Chair, 1996-1997; Member, 1997-1999
 Elected chair of state agency that oversees campaign practices, campaign finances, and legislative ethics. Engaged in implementing one of the country's boldest initiatives in campaign finance reform.
- 1994 - 1997** **TWENTIETH CENTURY FUND**, New York, NY
Executive Director, Task Force on Presidential Appointments
 Supervised studies and report preparation for Task Force chaired by former Senators John Culver (D-IA) and Charles Mathias (R-MD).
- 1993 - 1998** **MAINE STATE BOARD OF ARBITRATION AND CONCILIATION**
Alternating Chair
 Implemented state policy in public sector labor-management relations.
- 1992** **NATIONAL ACADEMY OF SCIENCES**
Member, Panel on Presidentially Appointed Scientists and Engineers
 Participated in extensive study of difficulties in recruiting scientists for government service. Contributed to panel's report, Science and Technology Leadership in American Government.
- 1988** **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION**, Washington DC
Issue Leader, Presidential Transitions Study
 Prepared study and recommendations on personnel selection and conflict of interest for panel report on presidential transition of 1988.
- 1983 - 1990** **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION**, Washington DC
Director, Presidential Appointee Project
 Supervised comprehensive analysis of presidential appointment process. Wrote project proposal, participated in fund raising, managed all details of project, supervised full- and part-time staff of 13. Full-time 1984-85, while on academic leave.
- 1980** **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION**, Washington DC
Staff member, Presidential Transition Study
 Conducted historical studies of personnel management activities of recent American presidents, relying primarily on original source materials in presidential libraries and interviews with former White House aides. Provided recommendations for improvements in presidential personnel management for inclusion in study panel's report.
- 1977** **UNITED STATES HOUSE OF REPRESENTATIVES**, Washington DC
Senior Research Analyst, Commission on Administrative Review
 Worked full-time for the Commission while on academic leave. Participated in a comprehensive analysis of every aspect of legislative and administrative operations in the House of Representatives. Duties included interviewing members of Congress, direct contact with congressional officers and employees, examination of House records and accounts, and analysis of statistical data. Prepared original papers on

House financial management system, House procurement activities, and operating procedures of the House administrative system. Had primary responsibility for writing several hundred page report of the Task Force on Administrative Units.

VARIOUS EMPLOYERS

1975 - Present

Lecturer and Consultant

Clients have included: the Robert A. Taft Institute, the Pew Charitable Trusts, the Robert Wood Johnson Clinical Scholars program, the U.S. Treasury Executive Institute, Commission on the Operation of the U.S. Senate, and the Brookings Conference for Senior Business Executives. Served as regular guest lecturer at the Washington International Center. Appear often on local and network radio and television programs. Consult broadly on government operations with public agencies, presidential transition teams, national commissions, and foundations.

1969 - 1971

UNITED STATES ARMY

Private to Sergeant, First Cavalry Division, Vietnam

Awarded Vietnamese Cross of Gallantry, Army Commendation Medal (three times), Bronze Star (twice), Good Conduct Medal. Honorable Discharge, 1975.

SCHOLARLY AND PROFESSIONAL ACTIVITIES

1975 - Present

Panel Participant

Chaired, delivered papers or otherwise participated in several dozen panels at meetings of professional and governmental organizations including: American Political Science Association, Midwest Political Science Association, Southwest Social Science Association, Naval War College, Administrative Conference of the United States, National Academy of Public Administration, National Academy of Sciences, Brookings Institution.

1982 - 2007

Member, Editorial Board, *Congress and the Presidency*

1986 - 1987

President, New England Political Science Association (elected position)

1987 - Present

Member, Editorial Board, *Commonwealth*

1986 - 1998

Overseer and Trustee, Bowdoin College, Brunswick, ME

2003- Present

Member, Editorial Board, *New England Journal of Political Science*

2004

Elected a Fellow of the National Academy of Public Administration, Washington, DC

PRINCIPAL PUBLICATIONS

Now What: Confronting and Resolving Ethical Questions (with Sarah V. Mackenzie), San Francisco: Corwin Press, 2010.

The Liberal Hour: Washington and the Politics of Change in the 1960s (with Robert Weisbrot), New York: Penguin, 2008.

Finalist for the 2009 Pulitzer Prize in History
Selected by CHOICE as an "Outstanding Academic Book of 2008"

Conflict and Consensus in American Politics, (with Stephen Wayne and Richard Cole), Belmont, CA: Thomson Wadsworth, 2007.

Scandal Proof: Can Ethics Laws Make Government Ethical? Washington: Brookings, 2002.

Innocent Until Nominated: The Breakdown of the Presidential Appointment Process, (editor), Washington: Brookings, 2001.

Selected by CHOICE as an "Outstanding Academic Book of 2002"

The Politics of American Government, (with Stephen Wayne, David O'Brien, and Richard Cole), New York: St. Martin's, third edition, 1999.

Obstacle Course: Report of the Twentieth Century Fund Task Force on Presidential Appointments, New York: Twentieth Century Fund Press, 1996.

The Irony of Reform: Roots of American Political Disenchantment, Boulder: Westview Press, 1996
Selected by CHOICE as an "Outstanding Academic Book of 1996"

Bucking the Deficit: Economic Policy Making in the United States (with Saranna Thornton), Boulder: Westview Press, 1996

Who Makes Public Policy: The Struggle For Control Between Congress and the Executive (with Robert Gilmour et al), Chatham, NJ: Chatham House, 1994.

The Presidential Appointee's Handbook, Washington, DC: National Academy of Public Administration, 2d. ed., 1988.

The In and Outers: Presidential Appointees and Transient Government in Washington (editor), Baltimore: Johns Hopkins University Press, 1987.

American Government: Politics and Public Policy, New York: Random House, 1986.

Leadership in Jeopardy: The Fraying of the Presidential Appointments System, Washington, DC: National Academy of Public Administration, 1985.

America's Unelected Government (with Bruce Adams, John Macy, and Jackson Walter), New York: Harper & Row, 1983.

The Abortion Dispute and the American System (with Gilbert Steiner et al.), Washington, D.C.: Brookings, 1983.

The House at Work (co-editor with Joseph Cooper), Austin, TX: University of Texas Press, 1981.

The Politics of Presidential Appointments, New York: The Free Press, 1981.

A SAMPLE OF ARTICLES, REPORTS, REVIEWS, PAPERS, AND BOOK CHAPTERS, 1988-PRESENT

Co-editor, Special edition of The New England Journal of Political Science on "U.S. Senators from Maine: Fifty Years of Influencing the Nation"

"Looking to the Future: The Challenge to Congress" (White Paper, The Brademas Center for the Study of Congress, 2008)

"The Real Invisible Hand: Presidential Appointees in the Administration of George W. Bush" in David C. Rochefort, ed., Quantitative Methods in Practice (CQ Press, 2006)

"The Superpower Everyone Loves to Hate" in Papers on American Studies (Yunnan University Press, China, 2006)

"Old Wars, New Wars, and the American Presidency," in George C. Edwards and Philip John Davies, eds., New Challenges for the American Presidency (New York: Longmans, 2004).

"Can Government Be Honest And Effective, Too?" Keynote Address, 12th Annual Conference Of The U.S. Office Of Government Ethics, March 12, 2003.

"The Real Invisible Hand: Presidential Appointees in the Administration of George W. Bush," PS: Political Science and Politics, March 2002. (Republished in Martha Kumar, ed. White House World (College Station, TX: Texas A&M University Press, 2003).

"Opportunity Lost: The Disappearance of Trust in Government After the 9/11 Spike," (Center for Public Service, Brookings, 2002).

"Campaign Contributions of Clinton and Bush Presidential Appointees: An Analysis," with Michael Hafken (Presidential Appointee Project, Brookings, 2001).

"Testimony on The Presidential Appointment Process," U.S. Senate, 107th Congress, First Session, Committee on Governmental Affairs, Hearings on the Presidential Appointments Improvement Act of 2002 (Washington: Government printing Office, 2001).

"Partisan Presidential Leadership: The President's Appointees," in L. Sandy Maisel, ed., American Parties: Changing Patterns at the Century's End (Boulder, CO: Westview Press, 2001).

"Nasty and Brutish Without Being Short," Brookings Review, March 2001.

Editor, Special Issue of the Brookings Review on "The State of the Presidential Appointment Process," March 2001.

"Ou en est le systeme politique américain?" Le Debat (France: January-February, 2001).

"The Revolution Nobody Wanted," Times Literary Supplement (United Kingdom: October 13, 2000).

"What Ails The Presidential Appointment Process And How To Fix It," Speech at the American Enterprise Institute, Washington, DC, May 5, 1999.

"A Government to Trust and Respect: Rebuilding Citizen-Government Relations in the 21st Century," National Academy of Public Administration (1999).

"Starting Over: The Presidential Appointment Process in 1997." A Twentieth Century Fund White Paper (New York: Twentieth Century Fund, 1998).

"What Would Madison Think? The Prospects, Promise and Perils of the Internet in American Government and Politics," Paper presented at the annual meeting of the New England Political Science Association, New London, CT (1997).

"Government Bit By Bit: Public Affairs, The Internet, and The Future," A White Paper for The Pew Charitable Trusts, (1996).

"Improving Government Performance," A White Paper for the Pew Charitable Trusts, (1995).

"Senator George Mitchell and the Constitution," Maine Law Review, Spring 1995.

"The Presidential Appointment Process: Historical Development, Contemporary Operations, and Current Issues" (Background paper for the Twentieth Century Fund, 1995).

"Radical Makeover: The Post-War Transformation of the American Presidency," Paper presented at the annual meeting of the American Political Science Association, Washington, DC (September, 1993).

"The Political Team," Government Executive (December, 1992).

"Presidential Appointments," "Recess Appointments," and "Senatorial Courtesy" in The Encyclopedia of the United States Congress (Simon and Schuster, 1993).

"Advice and Consent," The Appointment Power," "Recess Appointments," "Hubert H. Humphrey," and "The Vacancy Act" in The Encyclopedia of the American Presidency (Simon and Schuster, 1993).

"Congressional Term Limits: Predictable Impacts and Unintended Consequences," Paper presented at the annual meeting of the New England Political Science Association, Providence, Rhode Island (1991).

"Fallacies of Political Correctness," Chronicle of Higher Education (September 4, 1991).

"Hubert H. Humphrey: Reflections on a Twentieth Century Life" in "The Legacy of Hubert H. Humphrey," Special Issue of Perspectives on Political Science (Winter, 1992).

Editor, "The Legacy of Hubert H. Humphrey," Special Issue of Perspectives on Political Science (Winter, 1992).

"Professionalism and Politics: Executive Recruitment in Washington," in R.H. Perry and Janet Jones-Parker, eds., The Executive Search Collaboration (Greenwood Press, 1990).

"Foreign Aid and Human Rights," Paper presented to the Panel on Congressional-Executive Relations, National Academy of Public Administration (May 1990).

"Appointing Mr. (or Ms.) Right," Government Executive (April 1990).

"The Election of 1960," "Dwight D. Eisenhower," "Richard M. Nixon" in Encyclopedia of American Political Parties and Elections (Garland Publishing Co., 1990).

"Issues and Problems in the Staffing of New Administrations," Political Science Teacher (Summer 1989).

"Pentagon on Hold," Boston Globe (March, 1989).

"Making Political Appointments" in The Executive Presidency: Federal Management for the 1990s (Washington: National Academy of Public Administration, 1988).

"Presidential Transitions and the Ethics in Government Act of 1978," Sourcebook on Government Ethics for Presidential Appointees (Washington: Administrative Conference of the United States, 1988).

Exhibit 6

September 1, 2010

JUDGE G. THOMAS PORTEOUS, JR.'S EXHIBIT LIST

PORT Exhibit Number ¹	Description	Bates Number
1001 (a)	Louisiana Rules of Court, Code of Judicial Conduct (1985)	DEF00001-06
1001 (b)	Louisiana Rules of Court, Code of Judicial Conduct (1986)	DEF00007-13
1001 (c)	Louisiana Rules of Court, Code of Judicial Conduct (1987)	DEF000014-20
1001 (d)	Louisiana Rules of Court, Code of Judicial Conduct (1988)	DEF000021-27
1001 (e)	Louisiana Rules of Court, Code of Judicial Conduct (1989)	DEF000028-34
1001 (f)	Louisiana Rules of Court, Code of Judicial Conduct (1990)	DEF000035-41
1001 (g)	Louisiana Rules of Court, Code of Judicial Conduct (1991)	DEF000042-49
1001 (h)	Louisiana Rules of Court, Code of Judicial Conduct (1992)	DEF000050-57
1001 (i)	Louisiana Rules of Court, Code of Judicial Conduct (1993)	DEF000058-65
1001 (j)	Louisiana Rules of Court, Code of Judicial Conduct (1994)	DEF000066-73
1001 (k)	Louisiana Rules of Court, Code of Judicial Conduct (1995)	DEF000074-81
1001 (l)	Louisiana Rules of Court, Code of Judicial Conduct (1996)	DEF000082-89
1001 (m)	Louisiana Rules of Court, Code of Judicial Conduct (1997)	DEF000090-103
1001 (n)	Louisiana Rules of Court, Code of Judicial Conduct (1998)	DEF000104-12
1001 (o)	Louisiana Rules of Court, Code of Judicial Conduct (1999)	DEF000113-21
1001 (p)	Louisiana Rules of Court, Code of Judicial Conduct (2000)	DEF000122-30
1001 (q)	Louisiana Rules of Court, Code of Judicial Conduct (2001)	DEF000131-39
1001 (r)	Louisiana Rules of Court, Code of Judicial Conduct (2002)	DEF000140-48
1001 (s)	Louisiana Rules of Court, Code of Judicial Conduct (2003)	DEF000149-58
1001 (t)	Louisiana Rules of Court, Code of Judicial Conduct (2004)	DEF000159-67
1001 (u)	Louisiana Rules of Court, Code of Judicial Conduct (2005)	DEF000168-76
1001 (v)	Louisiana Rules of Court, Code of Judicial Conduct (2006)	DEF000177-96
1001 (w)	Louisiana Rules of Court, Code of Judicial Conduct (2007)	DEF000197-206
1001 (x)	Louisiana Rules of Court, Code of Judicial Conduct (2008)	DEF000207-18
1001 (y)	Louisiana Rules of Court, Code of Judicial Conduct (2009)	DEF000219-30
1002 (a)	Louisiana State Bar Rules of Professional Conduct, 1985	DEF000231-63
1002 (b)	Louisiana State Bar Rules of Professional Conduct, 1986	DEF000264-301
1002 (c)	Louisiana State Bar Rules of Professional Conduct, 1987	DEF000302-42
1002 (d)	Louisiana State Bar Rules of Professional Conduct, 1988	DEF000343-64
1002 (e)	Louisiana State Bar Rules of Professional Conduct, 1989	DEF000365-69
1002 (f)	Louisiana State Bar Rules of Professional Conduct, 1990	DEF000370-80
1002 (g)	Louisiana State Bar Rules of Professional Conduct, 1991	DEF000381-96
1002 (h)	Louisiana State Bar Rules of Professional Conduct, 1992	DEF000397-412
1002 (i)	Louisiana State Bar Rules of Professional Conduct, 1993	DEF000413-28
1002 (j)	Louisiana State Bar Rules of Professional Conduct, 1994	DEF000429-44
1002 (k)	Louisiana State Bar Rules of Professional Conduct, 1995	DEF000445-60
1002 (l)	Louisiana State Bar Rules of Professional Conduct, 1996	DEF000461-76
1002 (m)	Louisiana State Bar Rules of Professional Conduct, 1997	DEF000477-567
1002 (n)	Louisiana State Bar Rules of Professional Conduct, 1998	DEF000568-82
1002 (o)	Louisiana State Bar Rules of Professional Conduct, 1999	DEF000583-98
1002 (p)	Louisiana State Bar Rules of Professional Conduct, 2000	DEF000599-614

¹ In the Committee's Order Designating the Contents of Pre-trial Statements, the defense was instructed to begin its exhibits numbers at 1001.

1002 (q)	Louisiana State Bar Rules of Professional Conduct, 2001	DEF000615-30
1002 (r)	Louisiana State Bar Rules of Professional Conduct, 2002	DEF000631-46
1002 (s)	Louisiana State Bar Rules of Professional Conduct, 2003	DEF000647-63
1002 (t)	Louisiana State Bar Rules of Professional Conduct, 2004	DEF000664-82
1002 (u)	Louisiana State Bar Rules of Professional Conduct, 2005	DEF000683-702
1002 (v)	Louisiana State Bar Rules of Professional Conduct, 2006	DEF000703-27
1002 (w)	Louisiana State Bar Rules of Professional Conduct, 2007	DEF000728-50
1002 (x)	Louisiana State Bar Rules of Professional Conduct, 2008	DEF000751-93
1002 (y)	Louisiana State Bar Rules of Professional Conduct, 2009	DEF000794-834
1003	April 5, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000835-37
1004	June 22, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000838-40
1005	October 16, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000841-43
1006	Documents sent by MCC to Defense on July 12, 2010	DEF000844-67
1007	List of Judges Who Have Served on Twenty-Fourth Judicial District Court, provided by Clerk of the Court	DEF000868-73
1008	Beef Connection Menu	DEF000874-77
1009	Affidavit of Louis M. Marcotte, dated April 11, 2003	DEF000878-79
1010	Affidavit of Kyle Schonekas, dated April 8, 2008	DEF000880
1011	Ratings of Article III Judicial Nominees (103 rd Congress - 1993-1994)	DEF000881-86
1012	July 27, 2010 Letter from the United States Senate Committee on the Judiciary to the Senate Impeachment Trial Committee	DEF000887-88
1013	United States Senate Committee on the Judiciary Staff notes summarizing the FBI Background Investigation	DEF000889-91
1014	United States Senate Committee on the Judiciary Staff Memorandum	DEF000892-908
1015	Porteous Blue Slips	DEF000909-10
1016	Porteous ABA Rating	DEF000911
1017	<i>Skilling v. United States</i> , 130 S. Ct. 2896, 177 L. Ed. 2d 619, 2010 U.S. LEXIS 5259 (June 24, 2010)	DEF000912-1025
1018	<i>Black v. United States</i> , 130 S. Ct. 2963, 177 L. Ed. 2d 695, 2010 U.S. LEXIS 5253 (June 24, 2010)	DEF001026-38
1019	<i>Weyhrauch v. United States</i> , 130 S. Ct. 2971, 177 L. Ed. 2d 705, 2010 U.S. LEXIS 5254 (June 24, 2010)	DEF001039
1020	Criminal Record of Aubrey Wallace	DEF001040-72
1021	Criminal Record of Jeff Duhon	DEF001073-1100
1022	<i>In re Reynolds</i> , 3 So. 3d 457 (La. 2009)	DEF001101-02

1023	<i>In re Reynolds</i> , No. 2009-B-0216, 2009 La. LEXIS 2003 (La. Mar. 6, 2009)	DEF001103
1024	<i>In re Reynolds</i> , 956 So. 2d 575 (La. 2007)	DEF001104-05
1025	Police Reports, St. Tammany Arrests, Times-Picayune (June 5, 2004)	DEF001106-09
1026	<i>State of Louisiana v. Michael J. Reynolds</i> , No. 2007 KA 1284, 2007 WL 4480641 (La. Ct. App. 1 Cir. Dec. 21, 2007)	DEF001110-30
1027	Louisiana Bar Journal, Volume 57, Number 1 (June/July 2009) (Discipline pages 42-43).	DEF001131-33
1028	Bruce Alpert, <i>Sen. David Vitter to Lift 'Holds' as Letten Named to Justice Department Advisory Board</i> , THE TIMES-PICAYUNE, Feb. 1, 2010	DEF001134-35
1029	Bruce Egger, <i>Former Mayor Ray Nagin Faces State Ethics Charges</i> , THE TIMES-PICAYUNE, May 7, 2010	DEF001136-38
1030	CityBusiness Staff Report, <i>LA to Receive Federal Funding to Fight Corruption Through Metro Crime Commission</i> , NEW ORLEANS CITYBUSINESS, Nov. 8, 2005	DEF001139-40
1031	Gwen Filosa, <i>Judge Elloie's Retirement Ends Probe</i> , THE TIMES-PICAYUNE, June 7, 2007	DEF001141-43
1032	Laura Maggi, <i>Crime Commission Looked at Judge Wayne Cresap a Year Before His Arrest</i> , THE TIMES-PICAYUNE	DEF001144-46
1033	Meghan Gordon and Kate Morgan, <i>Embattled Judge Thomas Porteous Known for Wit, Charm</i> , THE TIMES-PICAYUNE	DEF001147-51
1034	Richard A. Webster, <i>Staying Power: U.S. Attorney's Future Up to Next President</i> , NEW ORLEANS CITYBUSINESS, May 16, 2008	DEF001152-54
1035	Staff, <i>New Orleans Agencies Net \$1M to Fight Corruption</i> , NEW ORLEANS CITYBUSINESS, Feb. 9, 2004	DEF001155-56
1036	Stephen Maloney, <i>Bobby Jindal's Gubernatorial Victory Fuels Optimism in Louisiana</i> , NEW ORLEANS CITYBUSINESS, Dec. 31, 2007	DEF001157-58
1037	Citizens for Responsibility and Ethics in Washington, <i>Worst Governors Report</i>	DEF001159-98
1038	<i>Funding Approved for N.O. Crime Coalition</i> , WDSU NEWS CHANNEL 6, June 10, 2009	DEF001199-1201
1039	Metropolitan Crime Commission, <i>Anti Public Corruption Program</i>	DEF001202-03
1040	Metropolitan Crime Commission, <i>History of the MCC</i>	DEF001204-1216
1041	Metropolitan Crime Commission, <i>Metropolitan Crime Commission Membership / Contribution Form</i>	DEF001217
1042	Metropolitan Crime Commission, <i>Support the MCC</i>	DEF001218
1043	Metropolitan Crime Commission, <i>Wanted By The Law</i>	DEF001219-20
1044	Metropolitan Crime Commission, <i>December 2001 Watchdog Report</i>	DEF001221-30
1045	Metropolitan Crime Commission, <i>Fall 2002 Watchdog Report</i>	DEF001231-38
1046	Metropolitan Crime Commission, <i>Summer 2005 Watchdog Report</i>	DEF001239-46
1047	Press Release, <i>Vitter Applauds Commitment from U.S. Attorney General</i>	DEF001247-49
1048	H.R. REP. NO. 107-278 (2001)	DEF001250-59
1049	H.R. REP. NO. 108-10 (2003)	DEF001260-76
1050	H.R. REP. NO. 108-221 (2003)	DEF001277-95

1051	H.R. REP. NO. 108-576 (2004)	DEF001296-1305
1052	S. REP. NO. 110-124 (2007)	DEF001306-16
1053	S. REP. NO. 111-34 (2009)	DEF001317-67
1054	H.R. REP. NO. 111-366 (2009)	DEF001368-76
1055	S. REP. NO. 111-229 (2010)	DEF001377-96
1056	Omitted	
1057	Omitted	
1058	Omitted	
1059	Omitted	
1060	Curriculum Vitae of Dane S. Ciolino	DEF001442-52
1061	Curriculum Vitae of G. Calvin Mackenzie	DEF001453-60
1062	Omitted	
1063	Omitted	
1064	Local Bankruptcies, Times-Picayune, Apr. 1, 2001	DEF001485-88
1065	Bankruptcy Statistics, printed from U.S. Courts website	DEF001489-94
1066	Central Credit, LLC Gaming Report for G. Thomas Porteous	DEF001495-1510
1067	Jonathan Remy Nash & Rafael I. Pardo, <i>An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review</i> , 61 Vand. L. Rev. 1745 (2008)	DEF001511-91
1068	Katherine Porter, <i>Misbehavior and Mistake in Bankruptcy Mortgage Claims</i> , 87 Tex. L. Rev. 121 (2008)	DEF001592-1653
1069	Rafael Pardo, <i>An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors</i> , 26 EMORY BANKR. DEV. J. 5 (2009)	DEF001654-81
1070	Steven W. Rhodes, <i>An Empirical Study of Consumer Bankruptcy Papers</i> , 73 Am. Bankr. L.J. 653 (1999).	DEF001682-1736
1071	Ellen Ambrose, Bankruptcy filings on rebound; banks backed strict new law to reduce number, Balt. Sun (April 17, 2006)	DEF001737-40
1072	<i>In re Brown</i> , No. 05-34889-DK, 2006 WL 4547180 (Bankr. D. Md. Sept. 19, 2006)	DEF001741
1073	<i>In re Miller</i> , No. 06-11566, 2006 WL 4719400 (Bankr. D. Md. June 9, 2006)	DEF001742-43
1074	<i>In re Brown</i> , 342 B.R. 248 (Bankr. D. Md. 2006)	DEF001744-52
1075	<i>In re Heck</i> , No. 05-14065-DK, 2006 WL 4711337, (Bankr. D. Md. June 9, 2006)	DEF001753-55
1076	<i>In re Celeste</i> , 310 B.R. 286 (Bankr. D. Md. 2004)	DEF001756-59
1077	<i>In re Connecticut Pizza, Inc.</i> , 193 B.R. 217 (Bankr. D. Md. 1996)	DEF001760-75
1078	<i>In re Courtois</i> , 222 B.R. 491 (Bankr. D. Md. 1998)	DEF001776-83
1079	<i>In re Creative Goldsmiths</i> , 178 B.R. 87 (Bankr. D. Md. 1995)	DEF001784-96
1080	<i>In re Davis</i> , 411 B.R. 225 (Bankr. D. Md. 2008)	DEF001797-1802
1081	<i>In re Eader</i> , 426 B.R. 164 (Bankr. D. Md. 2010)	DEF001803-06
1082	<i>In re Fishbein</i> , 245 B.R. 36 (Bankr. D. Md. 2000)	DEF001807-10
1083	<i>In re Harding</i> , 274 B.R. 173 (Bankr. D. Md. 2002)	DEF001811-14
1084	<i>In re Shigo</i> , 91 F.3d 133, 1996 WL 405223 (4 th Cir. 1996)	DEF001815-18
1085	<i>In re Howard</i> , No. 04-38858-DK, 2006 Bankr. LEXIS 4424 (Bankr. D. Md. Apr. 10, 2006)	DEF001819-20
1086	<i>In re Stevens</i> , 217 B.R. 757 (Bankr. D. Md. 1998)	DEF001821-28
1087	<i>In re Mark</i> , 336 B.R. 260 (Bankr. D. Md. 2006)	DEF001829-37
1088	<i>In re Morgan</i> , 299 B.R. 118 (Bankr. D. Md. 2003)	DEF001838-45

1089	<i>In re Wagstaff</i> , No. 07-13101DK, 2010 WL 3294695 (Bankr. D. Md. Aug. 20, 2010)	DEF001846-48
1090	<i>In re Reamy</i> , 169 B.R. 352 (Bankr. D. Md. 1994)	DEF001849-52
1091	<i>In re Richardson</i> , 307 B.R. 485 (Bankr. D. Md. 2004)	DEF001853-59
1092	<i>In re Richman</i> , 168 B.R. 578 (Bankr. D. Md. 1994)	DEF001860-62
1093	<i>In re Davis</i> , No. 08-16337-DK, 2009 WL 2928226 (Bankr. D. Md. June 3, 2009)	DEF001863-64
1094	<i>In re Thompson-Mendez</i> , 321 B.R. 814 (Bankr. D. Md. 2005)	DEF001865-71
1095	<i>In re Watson</i> , 366 B.R. 523 (Bankr. D. Md. 2007)	DEF001872-80
1096	<i>In re Wick</i> , 421 B.R. 206 (Bankr. D. Md. 2010)	DEF001881-91
1097	Curriculum Vitae of Rafael I. Pardo	DEF001892-99
1098	Curriculum Vitae of Ronald Barliant	DEF001900-02
1099	Curriculum Vitae of Henry Hildebrant	DEF001903-07
1100 (a)	PACER Docket Report: <i>In Re Porteous</i> Case No. 01-12363	DEF001908-13
1100 (b)	Voluntary Petition for Bankruptcy <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) March 28, 2001 – Dkt. No. 1	DEF001914-18
1100 (c)	Amended Voluntary Petition <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001 – Dkt. No. 2	DEF001919-20
1100 (d)	Chapter 13 Schedules <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001 – Dkt. No. 3	DEF001921-49
1100 (e)	Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) March 9, 2001 – Dkt. No. 4	DEF001950-52
1100 (f)	Objection by Trustee to Attorneys Fees <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 15, 2001 – Dkt. No. 8	DEF001953-54
1100 (g)	Objection by Trustee to Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 15, 2001 – Dkt. No. 10	DEF001955
1100 (h)	Amended Schedules <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001 – Dkt. No. 11	DEF001956-57
1100 (i)	Amended Plan filed by Debtor Gabriel T. Porteous <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001 – Dkt. No. 12	DEF001958-60

1100 (j)	Memorandum by Debtor Gabriel T. Porteous, Debtor Carmella A. Porteous in opposition to Objection to Attorney's Fees by S.J. Beaulieu <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 30, 2001 – Dkt. No. 13	DEF001961-63
1100 (k)	Order of Recusal <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 1, 2001 – Dkt. No. 15	DEF001964-65
1100 (l)	Fax Memorandum from Chambers of Honorable Carolyn Dineen King, United States Court of Appeals for the Fifth Circuit re: Temporary Assignment and Appointment of Judge William R. Greendyke <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 5, 2001 – Dkt. No. 16	DEF001966-68
1100 (m)	Judicial Counsel Of The Fifth Judicial Circuit Temporary Assignment of Bankruptcy Judge William R. Greendyke To Eastern District of Louisiana <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 6, 2001 – Dkt. No. 17	DEF001969-71
1100 (n)	Affidavit In Support of Attorney's Fees Objection To Attorney's Fee Filed by: Claude C. Lightfoot for Debtor Carmella A. Porteous, Debtor Gabriel T. Porteous <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 18, 2001 – Dkt. No. 18	DEF001972-77
1100 (o)	Summary And Analysis of Chapter 13 Plan Filed by: Trustee S. J. Beaulieu <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 25, 2001 – Dkt. No. 20	DEF001978-80
1100 (p)	Order Confirming Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 2, 2001 – Dkt. No. 22	DEF001981-83
1100 (q)	Trustee's Notice of Intention to Pay Claims <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) October 11, 2001 – Dkt. No. 25	DEF001984
1100 (r)	Transfer of Claim <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) August 26, 2002 – Dkt. No. 28	DEF001985-86
1100 (s)	Order Granting Transfer of Claim <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) August 28, 2002 – Dkt. No. 29	DEF001987

1100 (t)	Trustee's Notice of Intent to Pay Additional Claims <i>for max flow</i> \$5,386.54 Filed by S. J. Beaulieu Jr. <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) October 25, 2002 – Dkt. No. 31	DEF001988
1100 (u)	Trustee's Interim Status Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) January 23, 2003 – Dkt. No. 33	DEF001989
1100 (v)	Trustee's Interim Status Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 18, 2003 – Dkt. No. 34	DEF001990
1100 (w)	Ex Parte Motion to Amend <i>the plan</i> Filed by S. J. Beaulieu Jr. on behalf of S. J. Beaulieu Jr. <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) August 21, 2003 – Dkt. No. 35	DEF001991
1100 (x)	Order Granting Motion To Amend The Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) August 25, 2003 – Dkt. No. 37	DEF001992
1100 (y)	Trustee's Interim Status Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) February 10, 2004 – Dkt. No. 39	DEF001993
1100 (z)	Chapter 13 Trustee Final Report and Account with Notice of Hearing. <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 1, 2004 – Dkt. No. 40	DEF001994
1100 (aa)	Judicial Council of the Fifth Judicial Circuit Temporary Assignment of Bankruptcy Judge Douglas D. Dodd To The Eastern District of Louisiana <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 2, 2004 – Dkt. No. 44	DEF001995
1100 (bb)	Order Approving Final Report & Account <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004 – Dkt. No. 48	DEF001996
1100 (cc)	Order Discharging Debtor <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004 – Dkt. No. 49	DEF001997-98
1101	Documents related to Claude Lightfoot, used as Exhibits 31 and 33 in 5 th Circuit Proceedings	DEF001999-2163
1102	Documents related to S.J. Beaulieu, used as Exhibit 32 in 5 th Circuit Proceedings	DEF002164-2247
1103	Claims Register	DEF002248-56
1104	<i>Good Faith: A Roundtable Discussion</i> , 1 Am. Bankr. Inst. L. Rev. 11 1193	DEF002257-89

1105	Notice of Commencement of Case Under Chapter 13 Case No. 01-12363	DEF002290-91
1106	FBI 302 Report of S.J. Beaulieu, with transcription date of January 23, 2004	DEF002292-98
1107	FBI 302 Report of S.J. Beaulieu, with transcription date of March 4, 2004	DEF002299
1108	Letter from S.J. Beaulieu to DeWayne Horner, dated April 1, 2004	DEF002300-02
1109	Letter from Department of Justice to S.J. Beaulieu, dated April 13, 2004	DEF002303
1110	Memorandum from Larry Finder, dated July 29, 2007 Subject: Interview with S.J. Beaulieu	DEF002304-06
1111 (a)	Judicial Council of the First Circuit, In re Complaint No. 285, Order, filed May 25, 2000 (Order affirming decision, filed Sept. 8, 2000).	DEF002307-11
1111 (b)	Judicial Council of the Second Circuit, In re Charges of Judicial Misconduct, Docket Nos. 04-8529, 04-8530, 04-8541, 04-8547, 04-8553, Memorandum and Order, filed Apr. 8, 2005.	DEF002312-27
1111 (c)	Judicial Council of the Second Circuit, In re Charge of Judicial Misconduct, Docket No. 91- 8500, Memorandum and Order, dated Oct. 3, 1991.	DEF002328-29
1111 (d)	Judicial Council of the Third Circuit, In re Complaints of Judicial Misconduct or Disability, J.C. Nos. 04-35 & 05-16, Memorandum Opinion and Order, filed Aug. 2, 2005.	DEF002330-43
1111 (e)	Judicial Council of the Third Circuit, In re Complaint of Judicial Misconduct or Disability, J.C. No. 06-24, Amended Memorandum Opinion and Order, filed July 5, 2006, amended Aug. 17, 2006.	DEF002344-53
1111 (f)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 01-05-372-0034, Memorandum, filed Feb. 26, 2001 (Order affirming Memorandum, filed May 17, 2001).	DEF002354-55
1111 (g)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 04-05-372-0069, Memorandum, filed June 29, 2004 (Order affirming Memorandum, filed, Aug. 12, 2004).	DEF00256-58
1111 (h)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 06-05-351-0027, Memorandum, filed Mar. 30, 2007.	DEF002359-65
1111 (i)	U.S. Court of Appeals for the Seventh Circuit, Docket No. 85-7-372-10, Letter to Judge Charles B. McCormick for release to the media, dated May 7, 1985.	DEF002366-70
1111 (j)	Judicial Council of the Ninth Circuit, In re Charge of Judicial Misconduct, Nos. 00-80018 and 00-80045, Order and Memorandum and Report and Recommendation of the Special Committee, filed Sept. 11, 2000.	DEF002371-78
1111 (k)	Judicial Council of the Ninth Circuit, In re Charge of Judicial Misconduct, No. 97-80629, Order and Memorandum, filed Aug. 7, 1998, and Report and Recommendation of the Special Investigative Committee, filed June 29, 1998.	DEF002379-91
1111 (l)	Judicial Council of the Eleventh Circuit, In re Complaint filed by Georgia Assoc. of Criminal Defense Lawyers and Natl. Assoc. of Criminal Defense Lawyers, Miscellaneous Docket No. 88-2101, Order, filed Oct. 9, 1990.	DEF002392-2400
1112	<i>Hamilton v. Morial</i> , 644 F.2d 351 (5th Cir. La. 1981)	DEF002401-04

1113	The Parish of Jefferson: Government Matters: Part II Jefferson Parish Criminal Justice System, September 1994, Bureau of Government Research	DEF002405-44
1114	<i>Williams v. McKeithen</i> , No. 71-98-B, 1997 U.S. Dist. LEXIS 22794 (M.D. La. Apr. 1, 1997)	DEF002445-50
1115	David Davenport, <i>Hard Questions for Holder</i> , WASH. TIMES, Mar. 19, 2010	DEF002451
1116	Gregory Gordon, <i>GSA Head Says He Forgot to Mention Loan</i> , UNITED PRESS INTERNATIONAL, Jul. 16, 1982	DEF002452-53
1117	Sam Dealey & James Ring Adams, <i>Banking on Andy Cuomo: HUD Secretary and Rising Democratic Star Andrew Cuomo Wants to Go Places – Assuming He Can Leave Some Baggage Behind</i> , THE AMERICAN SPECTATOR, Jan. 1999	DEF002454-60
1118	<i>Sen. Leahy Issues Statement on Nomination of David Nahmias</i> , U.S. FED NEWS, Sept. 30, 2004	DEF002461-63
1119	Andrew Pollack, <i>Baxter Role Upheld in I.B.M. Case</i> , N.Y. TIMES, June 18, 1982, at D1	DEF002464-65
1120	Lawrence L. Knutson, THE ASSOCIATED PRESS, Feb. 1, 1980	DEF002466-68
1121	Edward T. Pound, <i>Casey Tells Federal Ethics Agency He Omitted Three Stock Holdings</i> , N.Y. TIMES, July 31, 1981, at A11	DEF002469-70
1122	Michael J. Sniffen, <i>Nominees Sunk by Tax and Nanny Problems for Years</i> , ASSOCIATED PRESS, Jan. 14, 2009	DEF002471-72
1123	Aaron Epstein & Angie Cannon, <i>Consensus-Building Skills Gave Nominee the Edge</i> , THE MIAMI HERALD, May 14, 1994 at A13	DEF002473-75
1124	Pete Winn, <i>Sotomayor Failed to Disclose to Senate Memo in which She Argued Death Penalty is "Racist"</i> , June 5, 2009, http://www.cnsnews.com/news/print/49218	DEF002476-86
1125	Jack Kelly, <i>Culture of Corruption II: What Happened to Obama's Promise to Clean Up Washington?</i> , PITTSBURGH POST-GAZETTE, Feb. 8, 2009	DEF002487-88
1126	Neil A. Lewis, <i>Ginsburg Hearings End in a Secluded Meeting</i> , N.Y. TIMES, July 24, 1993	DEF002489-90
1127	Spencer Rich & John M. Goshko, <i>Bell Wins Approval in 75-21 Vote; Bell is Confirmed as Attorney General; Attorney General May Face Clash on Ousting Kelley</i> , WASH. POST, Jan. 26, 1977 at A1	DEF002491-93
1128	Chris Chrystal, <i>Levin: Kozinski Lacks Judicial Temperament</i> , United Press International, Nov. 2, 1985	DEF002494-95
1129	Editorial, <i>Senate Secrecy and Secretary Dalton</i> , N.Y. Times, July 27, 1994 at A20	DEF002496
1130	<i>Sen. Kyl Issues Statement on Rep. Solis Confirmation as Secretary of Labor</i> , U.S. FED NEWS, Feb. 25, 2009	DEF002497
1131	Rules for Lawyer Disciplinary Enforcement (Rule XIX of the Louisiana Supreme Court Rules) with amendments effective through January 5, 2010	DEF002498-2585
1132	La. C. Cr. Pr. Art. 893 (1994)	DEF002586-87
1133	Holly J. Joiner, Note, <i>Private Police: Defending the Power of Professional Bail Bondsmen</i> , 32 IND. L. REV. 1413 (1999)	DEF002588-2603
1134	Eric Helland & Alexander Tabarrok, <i>The Fugitive: Evidence on Public Versus Private Law Enforcement From Bail Jumping</i> , 47 J.L. & ECON. 93, 94-96 (2004)	DEF002604-633

Additional Notes to Exhibits

The defense has not, for the purposes of efficiency and in an attempt to avoid duplication, listed a number of documents that the House has listed on previous versions of its Exhibit lists that the defense is likely to use at trial. The defense hereby incorporates the list of House Exhibits dated August 5, 2010.

Further, as discussed at the August 26, 2010 Committee meeting with the parties, the defense reserves the right to submit additional exhibits that they have not yet identified. In particular, the defense has requested numerous relevant documents from the Department of Justice, which have yet to be produced.

The defense is also continuing to search for other documents, not previously produced, including, but not limited to, bond forms and documents related to curatorships.

To the extent that the list of witnesses that the House intends to call is amended or added to, the defense reserves the right to add additional exhibits.

On August 31, 2010, the defense requested instruction from the Committee regarding whether books, articles, and other publications, written by House-designated experts must be identified and produced as exhibits by the defense, in the chance that they are used on cross-examination. Because several of these publications are quite voluminous and the defense does not know, at this time, the particular areas that might be utilized, the defense sought instruction whether it was necessary to mark each and every publication as an exhibit at the time of filing of this list. The defense did not receive a response to its request and, as a result, has not listed such documents in this exhibit list. The defense reserves the right to utilize such publications during the trial.

Finally, the defense anticipates that the testimony elicited in the evidentiary hearing may possibly require additional exhibits to be used as rebuttal evidence, and the defense reserves the right to submit such exhibits as the need arises.

In The Senate of the United States

Sitting as a Court of Impeachment

In re:
 Impeachment of G. Thomas Porteous, Jr.,
 United States District Judge for the
 Eastern District of Louisiana

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THE HOUSE OF REPRESENTATIVES' PRE-TRIAL STATEMENT

Pursuant to the Senate Impeachment Trial Committee's August 25, 2010 "Order Designating Contents of Pre-Trial Statements," the House of Representatives (the "House") respectfully submits the following:

I. STATEMENT OF THE CASE

This case involves repeated acts of misconduct by Judge G. Thomas Porteous, Jr., United States District Court Judge for the Eastern District of Louisiana. Based on its investigation, the House of Representatives has charged Judge Porteous with high crimes and misdemeanors warranting his removal in four Articles of Impeachment.

A. ARTICLE I

Article I charges that Judge Porteous engaged in misconduct arising from his financial relationship with two attorneys (Jacob Amato, Jr. and Robert Creely) and his handling of a federal case in which one of those attorneys (Amato) represented one of the parties.

Specifically, Judge Porteous, while a practicing attorney in Louisiana, had been a law partner with Amato and Creely. In 1984, he became a state judge in the 24th Judicial District Court, Jefferson Parish, Louisiana. Between 1984 and 1994, Judge Porteous experienced financial difficulties on occasion, and he requested money from Creely. For a while Creely

would willingly provide Judge Porteous with money, but Creely came to resent this imposition on him and began to resist Judge Porteous's requests – going so far as to ignore phone calls from Judge Porteous.

Thereafter, Judge Porteous began to assign Creely “curatorships.” These were judicial appointments to represent missing parties, as in cases where an owner of property such as a bank would seek to clear title and the owners were nowhere to be found. For handling these cases, the law firm of Amato & Creely PLC would receive approximately \$200, plus expenses.

After Judge Porteous appointed Creely to these curatorships, he (Judge Porteous) solicited and accepted from Creely a portion of the curatorship fees that had been paid to the firm. Creely and Amato took equal draws from their firm to fund Judge Porteous's requests. They each estimate that they paid Judge Porteous approximately \$20,000 between the two of them – \$10,000 each – over the several years prior to Judge Porteous assuming the federal bench. This estimate is corroborated by the court records that have been obtained, consisting of close to 200 orders signed by Judge Porteous assigning curatorships to Creely between approximately 1988 through 1994.

In 1994, Judge Porteous became a federal judge, and Judge Porteous's ability to assign Creely state court curatorships came to an end.

In 1996, Judge Porteous, as a district court judge, was assigned to handle a complicated civil case, Lifemark Hospitals of La., Inc. [“Lifemark”] v. Liljeberg Enterprises, Inc. [“Liljeberg” or “the Liljebergs”].¹ This case involved a dispute between a hospital (Lifemark) and a pharmacy (the Liljebergs), and involved issues of bankruptcy law, real estate law, and contract law. The matter was particularly contentious, with millions of dollars at stake.

¹Civ. Action No. 93-1794 (E.D. La.).

In late September 1996, shortly prior to the November 4, 1996 trial date, the Liljebergs retained the law firm of Amato & Creely (and in particular Amato) and another attorney – Leonard Levenson – to be part of their trial team. Levenson was also a long-time friend of Judge Porteous. Lifemark's attorney, Joseph Mole, was extremely concerned about the hiring of these attorneys. It was obvious to Mole that Amato and Levenson, neither of whom he believed had particular experience in this sort of complex corporate litigation, had been made part of the Liljebergs' trial team solely because of their close relationship to Judge Porteous. Mole was concerned that Judge Porteous would render a verdict influenced by his partiality toward his friends, and not based solely on the evidence. Accordingly, Mole filed a Motion to Recuse Judge Porteous. At that time, Mole had no idea that Amato had actually provided Judge Porteous money in the past.

On October 15, 1996, Judge Porteous held a hearing on Mole's recusal motion. In that hearing Judge Porteous made numerous deceptive statements regarding his respective relationships with both Amato and Levenson, in essence suggesting that his relationships with each of the men consisted of having a few lunches with them.² At one point, for example, Judge Porteous summarized the standards for recusal, noting rhetorically: "But does that mean that any time a person I perceive to be friends who I have dinner with or whatever that I must disqualify myself? I don't think that's what the rule [regarding recusal] suggests...." To conceal the fact that he had received money from Amato, Judge Porteous diverted the hearing into a lengthy discussion about whether the attorneys had given him campaign contributions, and then represented: "The first time I ran, 1984, I think is the only time when they gave me money." At

²In fact, Levenson and Amato provided Judge Porteous with thousands of dollars worth of meals over a period of time, which began long before the recusal hearing and continued not only subsequent to that hearing but also subsequent to the July 1997 trial, while Judge Porteous had the case under advisement.

no time was Judge Porteous forthcoming about his financial relationship with Amato. Judge Porteous concluded the recusal hearing with the promise that if things changed, he would notify Lifemark: "I have always taken the position that if there was ever any question in my mind that this Court should recuse itself that I would notify counsel and give them the opportunity if they wanted to ask me to get off...." Judge Porteous denied Lifemark's Motion to Recuse, and, with the record materially incomplete and misleading, the Fifth Circuit denied Lifemark's request for a writ reversing Judge Porteous.

In the summer of 1997, Judge Porteous presided over the Liljeberg trial, and took the case under advisement. He did not issue his opinion at that time.

In May of 1999, while still having the case under advisement, Judge Porteous invited Creely (Amato's partner) to Las Vegas for Judge Porteous's son's bachelor party. On that trip, Creely paid for Judge Porteous's hotel room, contributed several hundred dollars to the bachelor party dinner, and paid for other entertainment for Judge Porteous.

In June of 1999, while still having the case under advisement, Judge Porteous went on a fishing trip with Amato and told him that Porteous's son's wedding expenses were more than anticipated and requested that Amato give him cash.³ Amato and Creely discussed this and gave Judge Porteous approximately \$2,000 cash. Judge Porteous has admitted receiving this money.

Q. Do you recall in 1999, in the summer, May, June, receiving \$2,000 for
[sic: should be "from"] them?

³ Judge Porteous had substantial leverage over Amato at the time of this request.

A. [Judge Porteous] I've read Mr. Amato's grand jury testimony. It says we were fishing and I made some representation that I was having difficulties and that he loaned me some money or gave me some money.⁴

* * *

Q. [W]hether or not you recall asking Mr. Amato for money during this fishing trip, do you recall getting an envelope with \$2,000 shortly thereafter?

A. Yeah. Something seems to suggest that there may have been an envelope. I don't remember the size of an envelope, how I got the envelope, or anything about it.

* * *

Q. Wait a second. Is it the nature of the envelope you're disputing?

A. No. Money was received in [an] envelope.

Q. And had cash in it?

A. Yes, sir.

Q. And it was from Creely and/or –

A. Amato.

Q. Amato?

A. Yes.

Q. And it was used to pay for your son's wedding.

A. To help defray the cost, yeah.

* * *

⁴Porteous 5th Cir. Hrg. at 121 (HP Ex. 10).

Q. And would you dispute that the amount was \$2,000?

A. I don't have any basis to dispute it.⁵

In addition, in late 1999, Creely and Amato paid over \$1,000 for a party in honor of Judge Porteous's fifth year on the federal bench. Also while the Liljeberg case was pending, Judge Porteous, through his secretary Rhonda Danos, solicited monies from attorneys – including Amato – to help finance one of his son's volunteer educational programs in Washington D.C.⁶

In 2000, Judge Porteous issued his opinion in the case, ruling for the Liljebergs on the central issues. Lifemark appealed Judge Porteous's opinion, and the Fifth Circuit reversed that part of Judge Porteous's opinion on portions that he had ruled for the Liljebergs in scathing terms, describing his written decision variously as “inexplicable,” “a chimera,” “constructed entirely out of whole cloth,” “close to being nonsensical,” and “border[ing] on the absurd.”

Thus, Article 1 charges that Judge Porteous “engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge,” including: “denying a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship [involving the curatorships];” “mak[ing] intentionally misleading statements at the recusal hearing intended to minimize the extent of his personal relationship with the two attorneys;” and “engag[ing] in corrupt conduct after the Lifemark v. Liljeberg bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash.

⁵Porteous 5th Cir. Hrg. at 136-37 (HP Ex. 10).

⁶Judge Porteous continued his close association with Levenson as well, traveling with him and accepting his hospitality on numerous occasions, including events in Las Vegas, Houston, and San Antonio.

Thereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, Liljeberg.”

B. ARTICLE II

Article II charges that Judge Porteous had a long-standing corrupt relationship with bail bondsmen Louis Marcotte and his sister Lori Marcotte that started while Judge Porteous was a state court judge and continued while he was a federal judge.

In essence, while a state court judge, Judge Porteous accepted and solicited numerous things of value from the Marcottes, including numerous meals, at least one trip to Las Vegas, car repairs and home repairs. Judge Porteous took numerous official acts that financially benefitted the Marcottes, particularly in setting, reducing, and “splitting” bonds to levels sought by the Marcottes. In addition, Judge Porteous improperly set aside or expunged convictions of two Marcotte employees – Jeff Duhon and Aubry Wallace – and used his influence with his fellow judges to assist the Marcottes in their business.⁷

The judicial acts of Judge Porteous at issue here – setting bonds, setting aside convictions – are the sorts of acts that are generally entrusted to a judge’s discretion. Thus, the House does not allege that Judge Porteous set any particular bond “too high” or “too low.” The evidence will demonstrate that Judge Porteous, knowing that by his actions he was bestowing financial value on the Marcottes, solicited and willingly accepted things of value from them.

When Judge Porteous became a federal judge, he could no longer write bonds for the Marcottes, so the interaction between Judge Porteous and the Marcottes diminished. However, the Marcottes continued to take Judge Porteous out to lunch or dinner on occasions when they

⁷Judge Porteous’s judicial action setting aside the conviction of Marcotte employee Aubry Wallace is addressed in greater detail in the discussion of Article IV.

wanted to have him help them form relationships with other judges or businessmen. They knew that it helped them to have a federal judge implicitly or explicitly vouching for them, and, as Louis Marcotte testified, having Judge Porteous present when he (Marcotte) was dealing with others “brought strength to the table.”

As but one example, in or about 1999, Judge Porteous helped the Marcottes groom newly elected state Judge Ronald Bodenheimer to continue Judge Porteous’s bond practices. Bodenheimer, who prior to Judge Porteous’s intervention held the Marcottes in low regard, ended up forming the same sort of corrupt relationship with the Marcottes that Judge Porteous previously had with them – accepting meals, home repairs, and hospitality on various trips, and setting bonds as they requested. Indeed, Judge Bodenheimer ultimately pleaded guilty to a federal corruption charge arising from his relationship with the Marcottes, a relationship that was comparable to the relationship that Judge Porteous had with them. In 2002, when the FBI had Louis Marcotte under video surveillance, they observed Judge Porteous attending a meal with Louis Marcotte, Bodenheimer and another state judge (Judge Joan Bengé), whom the Marcottes were seeking to get to know better. Judge Porteous had been invited because the Marcottes knew that Judge Bengé held Judge Porteous in high regard.⁸

Thus Article II charges, in straight-forward terms, that “Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte,” and that, as part of which, “Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes.” The Article further charges that “both while on the State bench and on the Federal bench, Judge Porteous used the power and

⁸Bodenheimer and another state judge, Alan Green, went to jail for conduct that was substantially similar to that of Judge Porteous vis-a-vis the Marcottes.

prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business."

C. ARTICLE III

Throughout the 1990s, Judge Porteous's financial condition deteriorated, largely due to his gambling at casinos. Judge Porteous concealed the full extent of his financial distress and the full extent of his gambling by filing false Financial Disclosure Reports with the Administrative Office of the United States Courts on an annual basis. For example, by 1999, Judge Porteous had balances in excess of \$15,000 on five credit cards, yet he reported only two cards on his Financial Disclosure Report, and as to those cards he falsely represented they had balances of "less than \$15,000."

By 2000 – and within weeks of issuing the Liljeberg opinion – Judge Porteous met with bankruptcy attorney Claude Lightfoot about his financial predicament. They decided that Lightfoot would attempt to work out Judge Porteous's debts owed to his creditors, and, if that failed, that Judge Porteous would file for bankruptcy. Lightfoot's attempts at a "workout" failed, and, in or about February of 2001, Lightfoot and Porteous commenced preparing for Chapter 13 bankruptcy. Throughout the period prior to bankruptcy, and during the term of the Chapter 13 plan, Judge Porteous never informed his attorney that he gambled or had gambling debts.

In March of 2001 – in the weeks and days immediately prior to filing for bankruptcy, and in the statements and schedules that he later filed – Judge Porteous undertook numerous actions to conceal assets and to structure his financial affairs so that he would be able to continue to gamble and obtain credit from casinos while in bankruptcy.

Ultimately, on March 28, 2001, Judge Porteous filed for bankruptcy under the false name "G. T. Ortous" and with a post office box that Judge Porteous had obtained on March 23, 2001,

listed as his address. Judge Porteous signed his Petition twice, once under the representation: “I declare under the penalty of perjury that the information provided in this petition is true and correct,” the other over the typed name “G.T. Ortous.”

On April 9, 2001, Judge Porteous submitted a “Statement of Financial Affairs” and numerous bankruptcy schedules. This time, they were filed under his true name. They were false as follows:

- Judge Porteous dishonestly failed to disclose a March 2001 payment to Fleet as a payment to a creditor within 90 days of filing for bankruptcy (and failed to list Fleet as an unsecured creditor);⁹
- Judge Porteous dishonestly failed to disclose the fact that he filed a tax return on March 23, 2010 seeking a \$4,143.72 refund;
- Judge Porteous dishonestly failed to disclose that he had repaid \$1,500 to the Treasure Chest Casino within 90 days of filing for bankruptcy;
- Judge Porteous dishonestly failed to disclose that he either repaid \$2,000 to Grand Casino Gulfport within 90 days of filing for bankruptcy or he failed to disclose he owed \$2,000 to Grand Casino Gulfport;
- Judge Porteous dishonestly failed to disclose a Fidelity money market account. He kept this account available for purposes of concealing discretionary funds and paying gambling debts while in bankruptcy;

⁹The credit card at issue was issued to Judge Porteous’s wife, Carmella Porteous. However, Judge Porteous personally arranged for that card to be paid in full by his secretary, Rhonda Danos, in March of 2001, to conceal Fleet’s status as a preferred creditor (which was then being paid in full). Thus, it was Judge Porteous who was responsible for the falsity of the representations on the filings. The House is not alleging any wrongs by Mrs. Porteous.

- Judge Porteous falsely reported that his checking account balance was \$100, when, the day prior to filing, he deposited \$2,000 into that account;
- Judge Porteous falsely denied having gambling losses within the year prior to filing for bankruptcy;
- Judge Porteous willfully understated his income. On "Schedule I" which required the disclosure of income, Judge Porteous disclosed his May 2000 take home pay, even though Judge Porteous had received an annual salary increase. Moreover, Judge Porteous well knew that in but a few months he would receive a substantial increase in his take home pay when he reached the salary limit for deductions for social security (FICA).

All of these actions operated to conceal from creditors assets and income of Judge Porteous. He favored some creditors – Treasure Chest, Grand Casino Gulfport, and Fleet, who received payment in full – over others who would, because of his lack of candor, receive only a portion of what they were owed. Further, he engaged in a premeditated effort to structure his financial affairs prior to filing for bankruptcy so as to be assured of having access to undisclosed assets, undisclosed income, and an undisclosed bank account, so that he could continue to engage in gambling – including taking out and repaying gambling debts – while under the court's supervision. Finally, by paying off the two casinos (Treasure Chest and Grand Casino Gulfport), Judge Porteous assured that even if his credit history was flawed with respect to mainstream credit card lenders such as Citibank, he would keep a perfect credit history with casinos, and that his ability to obtain credit from casinos would not be placed in jeopardy.

At a hearing of creditors on May 9, 2001, Judge Porteous was asked under oath to vouch for the accuracy of his schedules, to which he testified falsely as follows:

Bankruptcy Trustee: Everything in here [referring to bankruptcy forms] true and correct?

Judge Porteous: Yes.¹⁰

That bankruptcy trustee also informed Judge Porteous that he was on a “cash basis” going forward.

At the end of June 2001, Bankruptcy Judge William Greendyke issued an order approving the Chapter 13 plan, and specifically ordering Judge Porteous not to incur debt without permission of the Court. Notwithstanding Judge Greendyke’s Order, Judge Porteous did incur debt. For example, on August 13, 2001, Judge Porteous applied for and subsequently received a “Capitol One” credit card that he in fact regularly used.

More particularly, Judge Porteous continued to take out debt from casinos in the form of markers. As but one example, on October 17-18, 2001, Judge Porteous took out a total of \$5,900 in markers from the Treasure Chest Casino. He repaid \$1,500 at the time, and left the casino owing \$4,400. Thereafter, in late October and early November of that year, Judge Porteous withdrew \$1,760 from his IRA account (which was exempt from his bankruptcy), and moved that money into the Fidelity account that he had not disclosed in his bankruptcy forms. He wrote a \$1,800 check on the Fidelity account, and along with other funds, used that Fidelity check to repay the Treasure Chest the \$4,400 he owed.

In 2002, when Judge Porteous would receive monies from miscellaneous sources (such as Government travel reimbursements), he would deposit them into the (undisclosed) Fidelity account, and not in his (disclosed) Bank One checking account. By May of 2002, the balance in his Fidelity account was over \$8,700, while his checking account balance was just over \$1,100.

¹⁰ See Meeting of Creditors Hearing Transcript at 1 (HP Ex. 130).

Thus, Article III charges that Judge Porteous “engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case.”

D. ARTICLE IV

In 1994, Judge Porteous was being considered for a federal judgeship. As a part of the vetting process, Judge Porteous was required to respond to two questionnaires - one under oath - and was also interviewed twice by the Federal Bureau of Investigation. Knowing that truthful disclosures of his relationships with Creely and the Marcottes would derail his nomination, Judge Porteous made false statements and withheld critical information.

First, Judge Porteous filled out and signed a document entitled “Supplement to Standard Form 86 (SF-86).” That form sets forth the following question and answer by Judge Porteous:

[Question] Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or to the President if publicly known? If so, please provide full details.

[Answer] NO

Judge Porteous signed that document under the following statement:

I understand that the information being provided on this supplement to the SF-86 is to be considered part of the original SF-86 dated April 27, 1994 and a false statement on this form is punishable by law.

Second, when interviewed by the FBI on July 8, 1994, Judge Porteous was asked a series of standard questions designed to elicit derogatory information. The FBI Agent, in her write-up of the interview, recorded Judge Porteous as stating:

ORTEOUS said he is not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgement, or discretion.

Judge Porteous was interviewed a second time by the FBI on August 18, 1994 about concerns related to 1993 allegations that he had received monies from an attorney and a bail bondsman to reduce a bond. In the FBI Agent's write-up of that interview, Judge Porteous is once again recorded as stating "that he [Judge Porteous] was unaware of anything in his background that might be the basis of attempted influence, pressure, coercion or compromise and/or would impact negatively on his character, reputation, judgment or discretion." This particular statement is significant because it occurred in the very context of FBI questioning as to whether Judge Porteous had engaged in corrupt conduct in connection with setting bonds.

Finally, on his United States Senate Committee on the Judiciary "Questionnaire for Judicial Nominees," Judge Porteous was asked the following question and gave the following answer:

[Question] Please advise the Committee of any unfavorable information that may affect your nomination.

[Answer] To the best of my knowledge, I do not know of any unfavorable information that may affect my nomination.

The signature block in the form of an "Affidavit," reads as follows:

AFFIDAVIT

I, Gabriel Thomas Porteous, Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Gretna, Louisiana, this 6 day of September, 1994.

It is signed by Judge Porteous and a notary.

One critical piece of evidence that demonstrates both: (1) that Judge Porteous intended to hide his relationship with the Marcottes from the federal government and the Senate, and (2) that Judge Porteous knew that his relationship with the Marcottes was improper and corrupt, is the sequence of events surrounding Judge Porteous's set aside of Marcotte employee Aubry Wallace's burglary conviction. Marcotte sought that Wallace's conviction be set aside so that Wallace could obtain a bail bonds license, for which he Wallace was otherwise ineligible because of his felony conviction.

In 1991, Judge Porteous sentenced Wallace to probation for burglary. A few months later, Judge Porteous terminated the probation unsatisfactorily when Wallace was sentenced to incarceration on an unrelated drug felony (involving PCP and cocaine). Wallace was released from prison in 1993. In the summer of 1994, aware that Judge Porteous might be leaving the state bench, Louis Marcotte requested Judge Porteous to set aside Wallace's burglary conviction (even though Wallace was still on parole for the drug conviction). Judge Porteous agreed to do so, but told Marcotte that he (Judge Porteous) wanted to wait until after he was confirmed, because he was not going to let the set-aside interfere with his obtaining the life-tenured job as a federal judge.

That is in fact what happened. Judge Porteous was confirmed by the Senate on October 7, 1994. On October 14, 1994, Judge Porteous set aside Wallace's conviction. Then, on October 28, 1994, Judge Porteous was sworn in as a federal judge. This set-aside was a final favor by Judge Porteous as a state judge to Marcotte and demonstrates how beholden Judge Porteous was to Marcotte, that he would undertake so unjustifiable and almost certainly unlawful legal action for Marcotte's benefit.¹¹

¹¹In addition, the set-aside appears to have been unlawful. Louisiana criminal law and

Finally, both Louis Marcotte and Robert Creely were interviewed by the FBI. Each made material false statements concerning Judge Porteous in which they denied knowledge of Judge Porteous's financial condition (each knew he was in difficult financial circumstances) and in which they denied knowledge of the extent of Judge Porteous's drinking. After Marcotte was interviewed, he met with Judge Porteous and told Judge Porteous what occurred in the interview.

Thus, Article IV charges that Judge Porteous "knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge."

II. WITNESSES

The House intends to call the following witnesses in the following approximate order (tracking the Articles). For each witness, the House has set forth the amount of time it anticipates that they will be utilized on direct examination.

1. Robert Creely. Mr. Creely will testify about his personal and financial relationship with Judge Porteous, including Mr. Creely's provision to Judge Porteous of monies after receiving the curatorships and other payments for the benefit of Judge Porteous. Mr. Creely will also testify that he was not truthful with the FBI when interviewed during Judge Porteous's background check. Anticipated time: 1 hour.

2. Jacob Amato. Mr. Amato will testify about his personal and financial relationship with Judge Porteous, including Judge Porteous's solicitation of cash from Mr. Amato on a boat in

procedure required that to set aside a criminal conviction, the sentence of probation had to be imposed under Article 893 (the Article authorizing set-asides), and that probation had to have been completed satisfactorily. Wallace's burglary case satisfied neither condition of law that would permit it to be set aside. Even as an act of discretion, it is nearly impossible to justify setting aside a felony burglary conviction where the defendant has a second conviction, has only been out of jail for about a year, and is on parole.

June 1999 while the Liljeberg case was pending. Mr. Amato will also describe the events of the Liljeberg case. Anticipated time: 1 hour.

3. Joseph Mole. Mr. Mole will testify to the procedural history of the Liljeberg case, including the facts surrounding the recusal motion, and will testify that he was unaware of the true relationship between Judge Porteous and Mr. Amato and Mr. Levenson. Anticipated time: 1 hour.

4. Leonard Levenson. Mr. Levenson will testify about his relationship with Judge Porteous preceding and during the pendency of the Liljeberg case, including his provision of meals and other hospitality for Judge Porteous on several trips. Anticipated time: 45 minutes.

5. Donald Gardner. Mr. Gardner will testify about his relationship with Judge Porteous preceding and during the pendency of the Liljeberg case, including his provision of cash to Judge Porteous on occasion, and the fact that Judge Porteous assigned Gardner curatorships. Anticipated time: 30 minutes.

6. Louis Marcotte. Mr. Marcotte will describe the bail setting process, and the numerous acts that Judge Porteous took in setting, reducing, and splitting bonds that were of substantial financial value to Marcotte. Marcotte will also testify that at his request, Judge Porteous expunged the conviction of one of his employees (Jeff Duhon) and set aside the conviction of another of his employees (Aubry Wallace). Marcotte will also testify to the things of value that he gave Judge Porteous, including countless meals, travel to Las Vegas, home repairs, and car repairs. He will also testify that during the confirmation process, he lied for Judge Porteous to the FBI (denying knowledge of Judge Porteous's drinking and financial circumstances). Marcotte will also testify that at around the time of Judge Porteous's

nomination, Judge Porteous told Marcotte that he (Judge Porteous) would set aside Wallace's conviction but only after he (Judge Porteous) was confirmed. Anticipated time: 1 hour.

7. Lori Marcotte. Ms. Marcotte, who ran her brother's company with him, will describe the bail setting process, and the financial value that Judge Porteous provided to them. She will also testify to the things of value that they gave Judge Porteous, including countless meals, travel to Las Vegas, home repairs, and car repairs. She will identify certain representative business records, and will testify to the assistance Judge Porteous provided to the Marcottes in connection with other judges. Anticipated time: 30 minutes.

8. Jeffrey Duhon. Mr. Duhon, a Marcotte employee, will testify that he took care of Judge Porteous's cars and did home repairs on Judge Porteous's house, and that Judge Porteous expunged his criminal conviction. Anticipated time: 20 minutes.

9. Aubry Wallace. Mr. Wallace, a former Marcotte employee, will testify that he took care of Judge Porteous's cars and did home repairs on Judge Porteous's house, and that Judge Porteous set aside his criminal conviction. Anticipated time: 20 minutes.

10. Michael Reynolds. Mr. Reynolds, a former state district attorney, will testify that he was the state prosecutor when Judge Porteous set aside Aubry Wallace's conviction. He will further testify that he was so bothered by that action, seeing it as improper as a matter of discretion if not unlawful, that he complained to the Metropolitan Crime Commission and to the FBI when interviewed shortly after the set-aside occurred. Anticipated time: 20 minutes.

11. Rafael Goyeneche. Mr. Goyeneche, President of the New Orleans Metropolitan Crime Commission, will testify that he interviewed Judge Porteous while Judge Porteous was a federal judge and that Judge Porteous admitted going to New Orleans with Louis Marcotte, but denied that Louis Marcotte paid for him. Anticipated time: 15 minutes.

12. Bruce Netterville. Mr. Netterville is a criminal attorney practicing in Gretna, Louisiana, with a high-volume criminal practice, who knew both Louis Marcotte and Judge Porteous in the 1994 time-frame. He was present in the courtroom when Judge Porteous amended Aubry Wallace's sentence, and will describe the circumstances surrounding his appearance and the legal requirements for a judge to set aside a conviction. Anticipated time: 15 minutes.

13. Ron Bodenheimer. Mr. Bodenheimer, a former state judge, will testify that when he became a state judge in 1999, he held the Marcottes in low regard. At that time, Judge Porteous (then a Federal Judge), made statements to him (Bodenheimer) in which Judge Porteous spoke highly of the Marcottes. Those statements were significant to Bodenheimer in his willingness to form a relationship with the Marcottes. Bodenheimer will testify that he took things of value (meals, hospitality, home repairs) from the Marcottes, that he knew this was wrong, and that he set bonds at their request. He will testify to a March 2002 lunch at Emeril's restaurant where the Marcottes sought to have him and Judge Porteous present so they could form a closer relationship with another newly elected state judge, Joan Benge. He will testify that he pleaded guilty to a federal corruption-related offense arising from his relationship with the Marcottes. Anticipated time: 30 minutes

14. Claude Lightfoot. Mr. Lightfoot will describe the facts and circumstances associated with his handling of Judge Porteous's bankruptcy, including his lack of knowledge of such facts as Judge Porteous's having filed for a tax refund, Judge Porteous's paying off Fleet and the Treasure Chest within 90 days of bankruptcy, Judge Porteous's outstanding markers with Grand Casino Gulfport, and all facts surrounding Judge Porteous's gambling activities prior to and subsequent to bankruptcy. He will testify that Judge Porteous never inquired of him whether

he (Judge Porteous) could lawfully take out gambling debt and that if asked Lightfoot would have told Judge Porteous unequivocally that markers were a form of debt forbidden by the Order.

Anticipated time: 1 hour.

15. William Greendyke. Mr. Greendyke was formerly a bankruptcy judge in the Southern District of Texas, and is now in private practice. While a bankruptcy judge, Mr. Greendyke presided over Judge Porteous's bankruptcy. Mr. Greendyke will testify that he was unaware of the numerous false statements and material nondisclosures of Judge Porteous, and that those statements and nondisclosures would have been significant to him (Judge Greendyke), and that if had known the truth he would not have granted the discharge, and that Judge Porteous's post-bankruptcy conduct violated his Order. Anticipated time: 30 minutes.

16. The Honorable Duncan Keir, Chief Bankruptcy Judge for the District of Maryland.¹² Judge Keir will testify as an expert on bankruptcy law and procedures and explain how the bankruptcy process depends on honesty of the debtors.¹³ In particular, he will address the "no harm, no foul" contention, implicit in Judge Porteous's Answer to the Articles, that Judge Porteous's conduct was in some way immaterial or unimportant. Anticipated time: 30 minutes.

17. Rhonda Danos. Ms. Danos was Judge Porteous's secretary. She will testify generally as to Judge Porteous's relationship with attorneys Creely, Amato, Levenson and Gardner. She will also testify generally as to Judge Porteous's relationship with the Marcottes, including the fact that she is aware that they took Judge Porteous to Las Vegas and paid for his

¹²Judge Keir's "Biographical Sketch" is attached as part of Attachment I.

¹³Judge Keir's testimony will track the testimony he provided before the House Impeachment Task Force. See To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part II), Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives, 111th Cong. 67-82 (Dec. 8, 2009) (testimony of Judge Keir) (HP Ex. 442).

car repairs. She will testify that she handled some of Judge Porteous's financial affairs through her personal checking account at his direction, including, in particular, paying the Fleet credit card a few days prior to his filing for bankruptcy, and that he did not tell her why he wanted her to make that payment. She will also testify the Marcottes paid for her to go to Las Vegas as well. Anticipated time: 45 minutes.

18. Bobby Hamil. Mr. Hamil is a retired FBI Agent who handled aspects of Judge Porteous's background check. In particular, Mr. Hamil was present on both interviews of Judge Porteous, and will identify his write-ups of those interviews as being accurate. Anticipated time: 30 minutes.

19. Cheyanne Tackett. Ms. Tackett is a former FBI Agent who handled aspects of Judge Porteous's background check. She will also testify as to the substance of the interviews with Judge Porteous. Anticipated time: 15 minutes.

20. Special Agent DeWayne Horner. Agent Horner will testify as a summary witness as to various documents that have been obtained, including casino records. We expect him to explain Judge Porteous's financial records surrounding his bankruptcy, identify other records obtained or highlight other records obtained in his investigation, and identify certain summary charts or timelines that describe Judge Porteous's activities in relevant periods. Anticipated time: 1 hour.

21. Professor Charles G. Geyh. Professor Geyh will testify as an expert on both state and federal judicial ethics. His testimony will generally track the testimony he provided to the House Impeachment Task Force.¹⁴ He will testify, in substance, that the Canons of Ethics

¹⁴See To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part IV), Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives, 111th Cong. 7-16 (Dec. 15, 2009)

provide that federal judges avoid impropriety and the appearance of impropriety in all their activities, on and off the bench, and that they act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary. Further, judges must recuse themselves whenever their impartiality might reasonably be questioned, and must not solicit or accept gifts from lawyers who appear before them. Professor Geyh will analyze the facts alleged in the Articles and will conclude that, if those facts are established, that Judge Porteous violated his ethical responsibilities. In connection with the Marcottes, Professor Geyh will further opine that a judge has an ethical duty to avoid lending the prestige of judicial office to advance the interests of others, and, if the facts alleged are proven, Judge Porteous, while on the Federal bench, lent the prestige of his office to advance the bondsman's interest in violation of his ethical duties.

Thus, the total anticipated time of the House's direct case is, as of this point in time, approximately 13 hours. This will be in addition to opening statements, and thus contemplates reserving approximately 5 hours for cross-examination or potential rebuttal witnesses.¹⁵

(prepared statement of Professor Charles G. Geyh) (HP Ex. 443). Professor Geyh's resume is included in Attachment 1.

¹⁵The House reserves the right to identify and call rebuttal witnesses as necessary to address fact or expert witnesses called by Judge Porteous.

III. THE HOUSE'S EXHIBIT LIST

The House's Exhibit List is attached as "Attachment 2" to this pleading. This list includes materials that may be introduced or used at trial, including transcripts that have not been ruled admissible as of this time.

IV. PRIOR TESTIMONY

The House seeks to move into evidence the testimony of the following persons, in their entirety:

Fifth Circuit Testimony

- 1) Judge Porteous
- 2) Joseph Mole
- 3) Robert Creely
- 4) Jacob Amato
- 5) FBI Special Agent DeWayne Horner
- 6) FBI Financial Analyst Gerald Fink
- 7) William Greendyke
- 8) William Heitkamp
- 9) Rhonda Danos
- 10) Claude Lightfoot
- 11) Don Gardner

House Task Force Hearing Testimony

- 1) Robert Creely
- 2) Jacob Amato
- 3) FBI Special Agent DeWayne Horner

- 4) Claude Lightfoot
- 5) The Honorable Duncan Keir
- 6) Louis Marcotte
- 7) Lori Marcotte
- 8) Professor Charles Geyh

Senate Impeachment Trial Committee Depositions

- 1) Robert Creely
- 2) Jacob Amato
- 3) Louis Marcotte
- 4) Lori Marcotte

V. LEGAL PRINCIPLES

Impeachment is a political, non-criminal proceeding subject to a case-specific determination of the federal officer's fitness to hold office. The Founders purposefully broke from the British impeachment practice, which upon conviction imposed criminal penalties, including death, and instead made it a proceeding of a political nature that called for the maximum punishment not to exceed removal and disqualification from office.¹⁶ Indeed, in 1803, one of the earliest impeachment inquiries considered such non-criminal offenses as, for example, Judge John Pickering's performance of his judicial functions while drunk and other acts of indecency.¹⁷

As Alexander Hamilton observed at the time of the debates surrounding the adoption of the Constitution, impeachment trials were understood as deliberative sessions for the Senate to decide whether an official had committed an "abuse or violation of some public trust."¹⁸ Justice Story likewise observed, in the early nineteenth century, that "an impeachment is a proceeding of a purely political nature. It is not so much designed to punish an offender as to secure the state against gross official misdemeanors. It touches neither his person nor his property; but simply divests him of his political power."¹⁹

¹⁶See Michael J. Gerhardt, The Federal Impeachment Process. A Constitutional and Historical Analysis (Princeton University Press) (1996);

¹⁷See Articles of Impeachment of Judge John Pickering, reprinted in Impeachment: Selected Materials, 93d Cong., 1st Sess., at 131 (1973), as reprinted in U.S. Impeachment: Selected Materials, 105th Cong., 2d Sess., at 1267 (1998).

¹⁸FEDERALIST NO. 65, at 396 (Alexander Hamilton) (Rossiter, ed. 1961).

¹⁹Joseph Story, Commentaries on the Constitution § 801 (1833).

Each of the four Articles sets forth conduct that demonstrates that Judge Porteous is not fit to be a federal judge, and that his continued presence on the Federal bench brings disgrace and disrepute to the bench.

Article I is consistent with Articles throughout this Nation's history in which the basis for impeachment and removal was a judge's financial entanglements with attorneys appearing before him.

Article II includes conduct both before and after Judge Porteous's appointment to the federal bench that demonstrates Judge Porteous's unfitness to continue to serve as a judge. As noted in the House Report accompanying the Articles, "the Constitution describes certain types of conduct for which impeachment is warranted ('Treason, Bribery, or other high Crimes and Misdemeanors'), 'it does not say when the misconduct must have been committed,' and certainly does not require that such conduct occur during the tenure of the Federal office from which impeachment is sought."²⁰ The ultimate decision by the Senate - whether the conduct rises to the level of a "High Crime or Misdemeanor" and warrants the judge's removal - does not turn on when that conduct occurred, but instead on whether that conduct so undermines the public trust that the judge must be removed from office. Additionally, no policy justification exists for a blanket prohibition on the consideration of pre-federal bench conduct as grounds for impeachment. The logic of Judge Porteous's position is that even if a federal judge were later found to have committed espionage or homicide prior to taking the federal bench, he could not be removed from his lifetime appointment as a federal judge, notwithstanding that proof of such conviction would so clearly demonstrate his unfitness for Office.

²⁰H.R. Rep. No. 111-427, Impeachment of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, Report of the Committee on the Judiciary to Accompany H. Res. 1031, 111th Cong., 2d Sess., at 19 (2010) (quoting Task Force Hearing, Part IV at 30 (Written Statement of Professor Michael J. Gerhardt at 4)).

Article III involves misconduct by Judge Porteous in a federal judicial proceeding – bankruptcy court. This is conduct that is comparable in pertinent respects to the tax evasion conduct that constituted the basis for the impeachment and conviction of Judge Harry Claiborne.

Article IV alleges, in substance, a fraud on the Senate in the impeachment process.²¹ Even though Articles have not previously been brought based on dishonesty in connection with the confirmation process, the Article is consistent with prior impeachments which are based on a judge's false or perjurious statements in important matters and in federal proceedings.

²¹The House has stated its position as to the legal soundness of each of the Articles in The House of Representatives' Consolidated Opposition to Judge G. Thomas Porteous, Jr.'s Five Motions to Dismiss the Articles of Impeachment. To the extent that Judge Porteous reiterates those arguments in his Pre-Trial Statement, the House incorporates the responses in that pleading by reference.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES


Adam Schiff, Manager

By


Bob Goodlatte, Manager


Alan I. Baron
Special Impeachment Counsel

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

September 1, 2010

Attachment One

BIOGRAPHICAL SKETCH

Honorable Duncan W. Keir is Chief Judge of the United States Bankruptcy Judge for the District of Maryland. Judge Keir has served as a United States Bankruptcy Judge since November, 1993. After graduating from Gettysburg College, Judge Keir served four years as a United States Naval Officer including a year tour with the Third Marine Division. He received his Juris Doctor degree, with honors from the University of Maryland School of Law in 1975 and was awarded membership in the Order of the Coif as well as three American Jurisprudence Awards. Judge Keir was Deputy General Counsel and Senior Vice President in charge of the Office of Special Assets Counsel of Maryland National Bank and American Security Bank, as well as Associate General Counsel of NationsBank Corporation after its acquisition of MNC Financial, Inc. Prior to his bank position, he was a partner and Practice Group Chairman of the Bankruptcy and Creditors Rights area of Miles & Stockbridge, where he had practiced from 1975 to 1991.

Judge Keir is the author of Chapter 1112 of Collier on Bankruptcy, Sixteenth Edition. He has served as an adjunct faculty member of the University of Maryland School of Law, teaching Commercial Transactions and is a fellow of the American College of Bankruptcy. He frequently lectures on issues of insolvency, including lectures at the Industrial College of the Armed Forces. From 1999 through 2002 Judge Keir served as Circuit Governor for the Fourth Circuit on the Board of the National Conference of Bankruptcy Judges.

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EDUCATION

- 1983: J.D. University of Wisconsin Law School
Honors and Awards: Wisconsin Law Review, Research & Writing Editor; recipient of the Joseph Davies Prize, awarded by the faculty to the outstanding member of the second year class; recipient of an Outstanding Academic Achievement Award, as a graduating student in the top 10% of the class.
- 1980: B.A. in Political Science, University of Wisconsin
Honors and Awards: Phi Beta Kappa; Phi Kappa Phi; Graduated from Letters and Science Honors Program with Distinction in Political Science; Recipient of the Davis Award, as the author of the best written work by an undergraduate in Political Science.

TEACHING EXPERIENCE

- Fall, 2009 to present: Associate Dean for Research, Indiana University Maurer School of Law
- Fall, 2006 to present: John F. Kimberling Chair in Law, Indiana University Maurer School of Law
Honors and Awards: Leon Wallace Teaching Award, 2008
- January, 2005: Lecturer, University of Paris II, Paris France
- Fall, 1998 to 2006: Professor of Law, Indiana University Maurer School of Law
Honors and Awards: Charles L. Whistler Faculty Fellowship, 2005-06; Harry T. Ice Faculty Fellowship 2003-04, 2002-03; Trustees Teaching Award, 2003, 2001.
- Fall, 1998 to Spring 1999: Visiting Associate Professor of Law, Cleveland State University, Cleveland, OH
- Spring, 1998: Visiting Associate Professor of Law, Case Western Reserve University, Cleveland, OH
- Fall, 1997: Visiting Associate Professor of Law, Indiana University, Bloomington, IN

- 1994 to 1998: Associate Professor of Law, Widener University, Harrisburg, PA
- 1991 to 1994: Assistant Professor of Law, Widener University, Harrisburg, PA
- 1988 to 1991: Professorial Lecturer in Law, The American University, Washington, D.C.

OTHER EMPLOYMENT

- 1991: Special Counsel, Office of Legislative and Public Affairs, Administrative Office of U.S. Courts, Washington, D.C.
- 1989 to 1991: Counsel, United States House of Representatives, Committee on the Judiciary, Washington, D.C.
- 1984 to 1989: Associate, Covington & Burling, Washington, D.C.
- 1983 to 1984: Law Clerk to the Honorable Thomas A. Clark, United States Court of Appeals for the Eleventh Circuit, Atlanta, GA

SCHOLARSHIP

Books and Monographs:

WHAT'S LAW GOT TO DO WITH IT?: WHAT JUDGES DO AND WHY IT MATTERS
(Charles Gardner Geyh, ed., Stanford University Press, forthcoming 2011)

DISQUALIFICATION: AN ANALYSIS OF FEDERAL LAW (2d Ed. Forthcoming 2010,
Federal Judicial Center)

WHEN COURTS AND CONGRESS COLLIDE: THE STRUGGLE FOR CONTROL OF
AMERICA'S JUDICIAL SYSTEM (University of Michigan Press paperback
edition 2008) (with foreword by Justice Sandra Day O'Connor)

REPORTERS' NOTES ON THE 2007 MODEL CODE OF JUDICIAL CONDUCT
(AMERICAN BAR ASSOCIATION 2008) (With W. William Hodes)

JUDICIAL CONDUCT AND ETHICS (4th ed., Matthew Bender & Company 2007)
(with Jeffrey Shaman, Stephen Lubet and James Alfani)

WHEN COURTS AND CONGRESS COLLIDE: THE STRUGGLE FOR CONTROL OF
AMERICA'S JUDICIAL SYSTEM (University of Michigan Press 2006)

JUDICIAL CONDUCT AND ETHICS, 2004 SUPPLEMENT (3rd Ed. 2000) (with
Stephen Lubet and James Alfani).

Articles:

Why Judicial Disqualification Matters—Again, ___ Rev. of Lit. ___ (forthcoming 2011) (AALS symposium on judicial disqualification)

Judicial Selection, Judicial Disqualification, and the Role of Money in Judicial Campaigns, ___ MCGEORGE L. REV. ____ (forthcoming 2010) (symposium on judicial ethics and accountability).

Methods of Judicial Selection and Their Impact on Judicial Independence, DAEDALUS (Fall, 2008)

The Endless Judicial Selection Debate and its Implications for an Independent Judiciary, 21 GEO J. LEG. ETHICS 1259 (2008).

Straddling the Fence between Truth and Pretense: The Role of Law and Preference in Judicial Decision-making and the Future of Judicial Independence, 22 NOTRE DAME J. OF L., ETHICS & PUB. POL. 435 (2008).

The State of the Onion: Peeling Back the Layers of America's Ambivalence Toward Judicial Independence, 82 IND L. J. 1215 (2007)

Roscoe Pound and the Future of the Good Government Movement, 28 S. TEX. L. REV. 871 (2007) (symposium on the centennial of the Pound address to the ABA)

Rescuing Judicial Accountability from the Realm of Political Rhetoric, 56 CASE W. RES. L. REV. 911 (2006) (symposium on judicial independence and accountability)

The Judgment of the Boss on Bossing the Judges: Bruce Springsteen, Judicial Independence, and the Rule of Law, 14 WIDENER L. J. 885 (2005) (symposium on Bruce Springsteen and the law).

Judicial Independence, Judicial Accountability, and the Role of Constitutional Norms in Congressional Regulation of the Courts, 78 IN. L. J. 153 (2003) (Symposium on Congressional Power).

Why Judicial Elections Stink, 64 OH. ST. L. J. 43 (2003) (Symposium on Perspectives on Judicial Independence)

Public Financing of Judicial Elections: An Overview, 34 LOY. L.A. L. REV/ 1467 (2001) (symposium on judicial selection)

Courts, Congress, and the Constitutional Politics of Interbranch Restraint, 87 GEO. L. J. 243 (1998) (Review Essay)

The Independence of the Judicial Branch in the New Republic, 74 CHI.-KENT L. REV. 31 (1998) (With Emily Field Van Tassel) (Symposium on the bicentennial of Chancellor James Kent's appointment to the bench)

Paradise Lost, Paradigm Found: Redefining the Judiciary's Imperiled Role in Congress, 71 N.Y.U. L. REV. 1165 (1996) (Lead article)

Highlighting a Low Point on a High Court: Some Thoughts on the Removal of Pennsylvania Supreme Court Justice Rolf Larsen and the Limits of Judicial Self-Regulation, 68 TEMP. L. REV. 1041 (1995) (Lead article in symposium on state constitutional law)

Overcoming the Competence/Credibility Paradox in Judicial Impact Assessment: the Need for an Independent Office of Interbranch Relations, in ASSESSING THE EFFECTS OF LEGISLATION ON THE WORKLOAD OF THE COURTS 79 (Fletcher Mangum. Ed. 1995)

Informal Methods of Judicial Discipline, 142 U. PA. L. REV. 243 (1993) (Symposium on disciplining the federal judiciary)

Adverse Publicity as a Means of Reducing Judicial Decision-Making Delay: Periodic Disclosure of Pending Motions, Bench Trials and Cases Under the Civil Justice Reform Act, 41 CLEV. ST. L. REV. 511 (1993)

Complex Litigation Reform and the Legislative Process, 10 REV. OF LITIGATION 401 (1991) (Symposium on problems of mass related cases and proposals for change)

The Case in Support of Legislation Facilitating the Consolidation of Mass Accident Litigation: a View From the Legislature, 73 MARQ. L. REV. 535 (1990) (with Robert W. Kastenmeier) (Lead article in a dialogue on mass tort legislation)

The Regulation of Speech Incident to the Sale or Promotion of Goods and Services: a Multifactor Approach, 52 U. PITT. L. REV. 1 (1990) (Lead article)

The Testimonial Component of the Right Against Self-Incrimination, 36 CATH. U. L. REV. 611 (1987)

"It's My Party and I'll Cry if I Want to": State Intrusions Upon the Associational Freedoms of Political Parties—Democratic Party of the United States v. Wisconsin ex rel. La Follette, 1983 WIS. L. REV. 211 (Note)

Book Chapters:

Introduction, *So What Does Law Have to do with it?*, in WHAT'S LAW GOT TO DO WITH IT?: WHAT JUDGES DO AND WHY IT MATTERS (Charles Gardner Geyh, ed., forthcoming 2011)

The Criticism and Speech of Judges in the United States, in JUDICIARIES IN COMPARATIVE PERSPECTIVE (H.P. Lee, ed. forthcoming 2011, Cambridge University Press)

The Choreography of Courts-Congress Conflicts, in JUDGES UNDER SIEGE: COURTS, POLITICS & THE PUBLIC (Bruce Peabody, ed. forthcoming 2010, Johns Hopkins University Press)

Rescuing Judicial Accountability from the Realm of Political Rhetoric, in JUDICIAL ACTIVISM: NEED FOR REFORMS (Icfai University Press 2007)

Preserving Public Confidence in the Courts in an Age of Individual Rights and Public Skepticism, in BENCH-PRESS: THE COLLISION OF THE COURTS, POLITICS AND THE MEDIA (Keith Bybee, ed, Stanford University Press, 2007)

Customary Independence, in JUDICIAL INDEPENDENCE AT THE CROSS-ROADS (Stephen Burbank & Barry Friedman, eds, Sage Press, 2002)

The Elastic Nature of Judicial Independence, in THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE (ABA PRESS, 7TH ED. 2002)

Reports, Written Testimony, and Other Service-Related Scholarship:

Written Testimony Before the House Judiciary Committee on H. Res. 1448 (2008), Inquiring Into the Impeachment of District Judge G. Thomas Porteous, (December, 2009).

Written testimony Before the House Judiciary Committee's Subcommittee on Courts and Competition: "Examining the State of Judicial Recusals after *Caperton v. A.T. Massey*" (November, 2009)

REPORT OF THE JUDICIAL DISQUALIFICATION PROJECT (American Bar Association 2008) (with Kathleen Lee)

The Judicial Disqualification Project, *Taking Disqualification Seriously*, 92 JUDICATURE 12 (July-August 2008) (with Kathleen Lee)

Remarks published in AMERICAN ACADEMY OF ARTS & SCIENCES, AMERICAN PHILOSOPHICAL SOCIETY, THE PUBLIC GOOD: KNOWLEDGE AS THE FOUNDATION FOR A DEMOCRATIC SOCIETY 25-28 (2008).

Book Review, *The Judge in a Democracy*, TRIAL 70 (October 2006)

Why Courts & Congress Collide—and Why Their Conflicts Subside, 7 INSIGHTS ON L. & SOC. 7 (Fall 2006)

Remarks published in *Conference on Relations between Congress and the Federal Courts*, 41 Ind. L. Rev. 305, 339-353 (2007)

Save the Judges (op ed), THE LEGAL TIMES, July 24, 2006 (with William Sessions)

Voters: Keep Judge Decision in Your Hands (op ed), THE INDIANAPOLIS STAR, January 26, 2006

Judges, Not Pawns (op ed), NEWSDAY, April 10, 2005

JUSTICE IN JEOPARDY: REPORT OF THE COMMISSION ON THE 21ST CENTURY JUDICIARY (American Bar Association 2003)

Rethinking Judicial Elections, BILL OF PARTICULARS (Spring 2003)

Are Judges Who Borrow From Lawyers' Briefs Committing Plagiarism?, THE PRUDENT JURIST, November/December 2003

REPORT OF THE COMMISSION ON PUBLIC FINANCING OF JUDICIAL CAMPAIGNS (American Bar Association 2002)

Defending Justice: The Courts, Criticism and Intimidation, in UNCERTAIN JUSTICE: POLITICS AND AMERICA'S COURTS (The Century Foundation, 2000)

Gravelitis Misdiagnosed, 62 JUDICATURE 42 (July-August 1998) (Book Review)

AN INDEPENDENT JUDICIARY: REPORT OF THE COMMISSION ON SEPARATION OF POWERS AND JUDICIAL INDEPENDENCE (American Bar Association 1997)

Means of Judicial Discipline Other than Those Prescribed by the Judicial Discipline Statute, in REPORT OF THE NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL (1993)

PROFESSIONAL ACTIVITIES

- 2010 to present, Member, editorial committee, Judicature
- 2008 to 2010, Chair, editorial committee, Judicature
- 2008 to 2009, Advisor, ABA Commission on Fair and Impartial State Courts
- 2007 to 2009, Director and Consultant, ABA Judicial Disqualification Project

- 2007 to 2009, Member, Academic Advisory Board, American Bar Association Standing Committee on Federal Judicial Improvements
- 2007 to 2009, Consultant to the Administrative Office of California Courts Task Force on Judicial Campaign Practices
- 2007 to 2008, Member, ABA Judicial Nominations Task Force
- 2005 to 2009, Member, Board of Directors, Justice at Stake
- 2004-07, Member, Steering Committee, the Constitution Project Courts Initiative
- 2003-07: Co-reporter, ABA Joint Commission to Evaluate the Model Code of Judicial Conduct
- 2002-03: Reporter, ABA Commission on the 21st Century Judiciary
- 2000-02: Advisor, Parliamentary Development Project on Judicial Independence and Administration for the Supreme Rada of Ukraine
- 2000 to present: Member, American Law Institute
- 2000-02: Member, ABA Standing Committee on Federal Judicial Improvements
- 2000-02: Reporter, ABA Commission on Public Financing of Judicial Elections
- 1999-2000: Member, Executive Committee, AALS Civil Procedure Section
- 1999-2000: Director, American Judicature Society Center for Judicial Independence
- 1998-99: Reporter, Citizens for Independent Courts, Task Force on Judicial Criticism
- 1997-98: Consultant, American Judicature Society
- 1996-97: Reporter and Counsel, American Bar Association Commission on Separation of Powers and Judicial Independence
- 1995-96: Advisor, Pennsylvania Bar Association Civil Litigation Section Discovery Rules Committee
- 1995-96: Consultant, Pennsylvania Senate Judiciary Committee, Special Session on Crime
- 1993-1994 Assistant Special Counsel, Pennsylvania House of Representatives, on the Impeachment and Removal of Pennsylvania Supreme Court Justice Rolf Larsen
- 1992-93: Consultant, National Commission on Judicial Discipline & Removal

- 1992: Advisor, Senator Joseph R. Biden, Jr., on Senate Confirmation of Justice Clarence Thomas to the Supreme Court
- 1989-91: Legislative Liaison to the Federal Courts Study Committee

SPEAKING ENGAGEMENTS

- July, 2010, "The Psychology of Judging": CLE presentation to the Indianapolis Law Club, Indianapolis, IN.
- June, 2010, Presentation to the Florida Senate Judiciary Committee Staff on Judicial Disqualification, Tallahassee, FL (via teleconference).
- April, 2010, "Why Judicial Disqualification Matters": Keynote speech at the annual meeting of the United States District Court for the Eastern District of Wisconsin, Milwaukee, WI.
- April, 2010, "Judicial Selection, Judicial Disqualification, and the Role of Money in Judicial Campaigns": Comment on papers by Meryl Chertoff and Dmitry Bam, at conference at McGeorge School of Law, Santa Clara, CA.
- December, 2009, Testimony Before the House Judiciary Committee on H. Res. 1448 (2008), Inquiring Into the Impeachment of District Judge G. Thomas Porteous, Washington, D.C.
- December, 2009, "Proposed Reforms to the United States Supreme Court": Presentation to the Indianapolis Law Club, Indianapolis, Indiana.
- November, 2009, "Examining the State of Judicial Recusals after *Caperton v. A.T. Massey*": Testimony Before the House Judiciary Committee's Subcommittee on Courts and Competition, Washington, D.C.
- November, 2009: "A Proposed Disability Certification Procedure for the Supreme Court": Presentation at Conference on Supreme Reform. hosted by the George Washington University School of Law, Washington, D.C.
- August, 2009: "Professionalism": Presentation during orientation to the incoming class of the Indiana University Maurer School of Law—Bloomington, Bloomington, IN
- August, 2009: "Making the Most of a *Massey* Situation," Breakfast speaker at the annual meeting of the ABA appellate litigation section
- July, 2009: "Debating *Caperton v. A.T. Massey*": Presentation to the Chicago chapter of the American Constitution Society, Chicago, IL
- July, 2009: "Civil Procedure in the 2009 term of the Supreme Court:" Presentation to the Indianapolis Law Club, Indianapolis, IN
- June, 2009: "Judicial Disqualification in a Post-*White* Environment": Featured Speaker at summer meeting of Ohio Court of Common Pleas Judges, Cincinnati, OH

- May, 2009: "Judicial Disqualification:" Presentation at the ABA National Conference on Professional Responsibility," Chicago, IL
- May, 2009: "Ex parte Communications and the Internet": Presentation at the Annual Meeting of the Indiana Court of Appeals, Culver Indiana
- May, 2009: "Judicial Recusal Standards—Should They Be More Rigorous?": Presentation at the Annual Convention of the Wisconsin State Bar, Milwaukee, WI
- May, 2009: "What Constitutes Appropriate Judicial Campaigning?": Panelist in Program at the Annual Convention of the Wisconsin State Bar, Milwaukee, WI
- March, 2009: "What's Law Got to do with it? What Judges Do and Why it Matters": Moderator of multiple panels and organizer of academic conference, Bloomington, IN
- February, 2009: "Caperton v. Massey Coal Company": Moderator and speaker on panel at press briefing sponsored by the American Constitution Society, Washington, D.C.
- January, 2009: "The Report of the ABA Judicial Disqualification Project": Presentation at the Annual Meeting of the Conference of Chief Justices, Tempe AZ
- December, 2008: "What Judges Do and Why it Matters," Presentation to the Indianapolis Law Club, Indianapolis, IN
- October, 2008: "Judicial Disqualification": Presenter at multiple sessions of the American Judicature Society Annual Meeting, Chicago, IL
- September, 2008: "The New Code of Judicial Conduct": Panel presentation at plenary session of the Indiana Judicial Conference, Indianapolis, IN
- August, 2008: "A Forum on the Judicial Disqualification Project": presentation at the ABA Annual meeting, New York, NY
- August, 2008: "Identifying the Best Outlets for Your Legal Scholarship": Co-facilitator in session at Big Ten unTENured Conference, Bloomington IN
- April, 2008: "The State of Judicial Elections Research": Panelist in a Roundtable at the annual meeting of the Midwest Political Science Association, Chicago, IL
- March, 2008: "Straddling the Fence between Truth and Pretense: The Role of Law and Preference in Judicial Decision-Making and the Future of Judicial Independence": Presentation at Conference on Judicial Selection and Ethics at Notre Dame Law School, South Bend, IN
- March, 2008: "When Courts & Congress Collide:" Presentation in the IU Authors' Series, Bloomington, IN
- December, 2007: "The Recent Rebirth of Rule 12(b)(6) Failure to State a Claim on Which Relief Can be Granted:" Presentation to the Indianapolis Law Club, Indianapolis, IN
- October, 2007: "Judicial Independence Among the States:" Keynote speech to the Nebraska Judicial Conference. Lincoln, Nebraska
- October, 2007: "The New Code of Judicial Conduct:" Presentation to the Nebraska Judicial Conference, Lincoln Nebraska
- October, 2007: "The Debate over State Court Elections and Judicial Selection:" Moderator of panel on judicial ethics and selection at conference on organized by the Sandra Day

O'Connor Project on the State of the Judiciary at Georgetown University Law Center, Washington, D.C.

- September, 2007: "Judicial Disqualification" Panelist at annual meeting of the ABA's Appellate Judges Education Institute, Washington, D.C.
- September, 2007: "Judicial Independence: Does the Public Really Care?": Presentation at Indiana State Bar Association Conference on Relations Between Congress and the Federal Courts, Indianapolis, IN
- August, 2007: "What Do We Know About Recusal Practices Around the Country": Presentation at the ABA Annual Meeting, San Francisco, CA
- July, 2007: "Recent Developments in Judicial Disqualification": Presentation to the Indianapolis Law Club, Indianapolis, IN
- May, 2007: "Politics and the Courts: Judicial Independence and Accountability": Panelist on program hosted by Hanover College, Indianapolis, IN
- April, 2007: "The Independence of the Courts": Panelist on program with Linda Greenhouse, Sandra Day O'Connor and Judith Kaye in first-ever joint meeting of the American Philosophical Society and the American Academy of Arts and Sciences, Washington, DC
- April, 2007: "Preserving Public Confidence in the Courts in an Age of Individual Rights and Public Skepticism": Inaugural Lecture for the John F. Kimberling Chair in Law, Bloomington, IN
- April, 2007: "Preserving Public Confidence in the Courts": Presentation at the University of Houston Law School, Houston TX
- March, 2006: "Judicial Ethics and You": Presentation to Indiana University Chapter of Phi Delta Phi, Bloomington, IN
- February, 2007: "When Courts and Congress Collide": Speaker in series, "In Nine We Trust: How the Supreme Court Got the Last Word," featuring Professors Frank Michelman, Frederick Schauer, Charles Geyh and Richard Hesse, sponsored by the Northeast Cultural Coop, Moultonborough, NH
- January 2007: "Roscoe Pound and his Impact on the Administration of Justice: Presentation to the Indianapolis Law Club, Indianapolis, IN
- December 2006: "Electronic Discovery": Presentation to the Indianapolis Law Club, Indianapolis, IN
- December, 2006: "Preserving a Fair and Impartial Judiciary:" Keynote Address to the Minnesota Judicial Conference, Minneapolis MN
- December, 2006: "When Courts and Congress Collide:" Presentation at Indiana University School of Law Continuing Legal Education event, Indianapolis, IN
- November, 2006: "Roscoe Pound, Judicial Independence and the Separation of Powers": Presentation of a symposium paper at the South Texas College of Law, Houston, TX
- November, 2006: "Legal Ethics for Appellate Judges and Staff Attorneys": Presentation to the Annual Meeting of the Council of Appellate Staff Attorneys, Dallas, TX

- November, 2006: “The History of Judicial Independence”: Keynote address to the Annual meeting of the Appellate Judges Education Institute, Dallas, TX
- November, 2006: “Judicial Campaign Speech and Judicial Selection”: Presentation to the California Summit of Judicial Leaders on Judicial Election Reform.
- October, 2006: “When Courts & Congress Collide”: Presentation at University of Wisconsin Faculty Colloquium, Madison, WI
- September, 2006: “Judicial Independence and Military Justice”: Presentation to the Navy-Marine Corps Court of Criminal Appeals, Washington, DC
- September, 2006: “The Struggle for Control of America’s Judicial System”: Keynote Speaker at the annual Colorado Judicial Conference, Vail CO
- September, 2006: H.R. 916: Impeaching Manuel Real, a Judge of the District Court for the Central District of California for High Crimes and Misdemeanors—Testimony before the United States House of Representatives Committee on the Judiciary’s Subcommittee on Courts, Washington, D.C.
- August, 2006: “The Centennial of Roscoe Pound’s Address to the ABA”: Panelist on program at the ABA Annual Meeting, Honolulu, HI
- August, 2006: “When Courts and Congress Collide”: Breakfast Speaker at the ABA Judicial Division’s Annual Meeting, Honolulu, HI
- August, 2006: Presentation to the ABA Standing Committee on Judicial Independence on Recent Changes to the Model Code of Judicial Conduct, Honolulu, HI
- August, 2006: Co-Facilitator of session on becoming tenured while managing family responsibilities, at the Big Ten unTENured Conference, Bloomington IN
- July, 2006: “Do Americans Really Want an Independent Judiciary”: Presentation to a plenary session of the annual conference of Chief Justices, Indianapolis, IN
- July 2006: “Disputed Provisions of the Proposed Model Code of Judicial Conduct”: Presentation to the Professionalism Committee of the Conference of Chief Justices, Indianapolis, IN
- July, 2006: “Recent developments in Supplemental Jurisdiction”: Presentation to the Indianapolis Law Club, Indianapolis, IN
- June, 2006: HR 5319: The Judicial Transparency and Ethics Enforcement Act of 2006—Testimony before the United States House of Representatives Committee on the Judiciary’s Subcommittee on Crime, Washington, D.C.
- June, 2006: “When Courts & Congress Collide”: Presentation at a reception for my book, sponsored by The Constitution Project, Justice at Stake, and Politics & Prose, Washington, DC
- June, 2006: “Appointment as a Method of Judicial Selection”: Panel presentation to a plenary session of the League of Women Voters’ annual convention
- June, 2006: “A Conversation on Judicial Independence”: Panel discussion on Court-TV event with Catherine Crier

- May, 2006: "The Final Draft of the Model Code of Judicial Conduct": Presentation to the Indianapolis Law Club, Indianapolis, IN
- April, 2006: "The Causes and Effects of Political Attacks on the Courts": Keynote Address to the Washington State Superior Court Judges Judicial Conference, Blaine, WA
- March, 2006: "When Courts & Congress Collide:" Presentation to the Indianapolis Law Club, Indianapolis, IN
- March, 2006: "When Courts and Congress Collide:" Presentation to the Indiana University Law and Society Workshop, Bloomington, IN
- March, 2006: "Current attacks on Judges in Historical Context": Address to 400 Illinois judges at Education Conference 2006, Chicago, IL
- February, 2006: "Judicial Elections in the Post-White Era": Panel presentation on judicial elections at the St. Thomas University School of Law, Minneapolis, MN
- January, 2006: "Rescuing Judicial Accountability from the Realm of Political Rhetoric": Paper presenter at symposium on Judicial Independence at Case Law School, Cleveland, OH
- January, 2006: "Rethinking Judicial Accountability:" featured speaker at the Indianapolis Law Club, Indianapolis, IN
- January, 2006: Panel presentation on the nomination of Samuel Alito to the U.S. Supreme Court, Indiana University School of Law, Bloomington, IN
- December, 2005: "Surviving the Perfect Storm: The Future of Judicial Independence in an Age of Public Skepticism." Keynote Speaker, Indiana Judicial Conference, Indianapolis, IN
- December, 2005: Presentation to the ABA Federal Judicial Improvements Committee on proposed revisions to the Code of Judicial Conduct, Washington, D.C.
- November, 2005: "Judicial Independence and the Federal Appointments Process": Speaker at symposium on Judicial Security and Independence at the Moritz College of Law, The Ohio State University, Columbus, OH
- November, 2005: Presentation to the ABA Committee on Judicial Independence, on proposed revisions to the Model Code of Judicial Conduct, Woodstock, VT
- October, 2005: Panelist at conference on judicial independence and the media, hosted by Syracuse University, Washington, D.C.
- October, 2005: "Proposed Changes to the Model Code of Judicial Conduct," featured speaker at the Indianapolis Law Club, Indianapolis, IN
- September, 2005: Presentation to the ABA Commission on Separation of Powers and Civics Education, on Separation of Powers and Judicial Independence, Washington, D.C.
- August, 2005: "Judicial Independence, Judicial Accountability and Judicial Elections," Keynote Speaker, Indiana Court of Appeals Retreat, New Harmony, IN
- August, 2005: "When Courts and Congress Collide", featured speaker at the Coalition for Justice Annual Luncheon, Chicago, IL

- August, 2005: "Courts and Congress: Continuing the Dialogue," Panelist on program at ABA annual meeting, Chicago, IL
- July, 2005: "The Disappearance of Appearances," featured speaker at the Indianapolis Law Club, Indianapolis, IN
- June, 2005: "The History of Judicial Independence," speaker at Illinois Judicial Conference, Champaign, IL
- February, 2005: "Proposed Amendments to the Model Code of Judicial Conduct": Panel Presentation to the Association of Professional Responsibility Lawyers, Salt Lake City, UT
- October 2004: "Overview of the Work of the ABA Joint Commission to Review the Model Code of Judicial Conduct:" Panel Presentation to the National College on Judicial - Conduct and Ethics, Chicago, IL.
- October, 2004: "Recent Developments in Judicial Independence and Accountability": Panel Moderator at National Conference of Women Law Judges, Indianapolis, IN
- June, 2004: "Proposed Changes to the Model Code of Judicial Conduct": Presentation to the National Conference on Professional Responsibility, Naples, FL
- April, 2004: "Issues Before the Joint Commission to Evaluate the Model Code of Judicial Conduct:" Panel Presentation to the American Bar Association Judicial Division, Tempe, AZ
- February 2004: "Changing Judicial Ethics in the Aftermath of Republican Party of Minnesota v. White": Panel Presentation to the North Carolina Advisory Committee on Political Conduct by Judges and Judicial Candidates, Raleigh, NC
- November 2003: "Judicial Selection Recommendations of the ABA Commission on the 21st Century Judiciary": Presentation at the University of Cincinnati College of Law.
- October 2003: "Judicial Selection and its Relationship to Judicial Independence": Presentation to the University of Illinois Chapter of the American Constitution Society, Champaign, IL
- August 2003: Judicial Division Scholar in Residence, Annual Meeting of the American Bar Association, San Francisco, CA
- March 2003: Roundtable participant in conference on Judicial Elections and a Republican Form of Government, Wingspread Conference Center, Racine, WI
- March 2003: Moderator on five panels, National Colloquium on the 21st Century Judiciary
- October 2002: "Rethinking Judicial Elections": presentation to the 21st Century Society, Bloomington, IN
- September, 2002: Moderator in Indiana Supreme Court Conclave on Diversification of the Legal Profession
- June, 2002: "Impact of Judicial Activism on Congress and Law-Making": Panelist on NPR Program "Odyssey"
- March 2002: "Toward the Gradual Elimination of Judicial Elections": Paper presentation at the Ohio State University, Columbus, OH

- 2001 to present: semi-annual Continuing Legal Education presentations, Indianapolis Law Club, Indianapolis, IN
- May 2001: "The Future of the Federal Courts": Panelist at the Seventh Circuit Judicial Conference
- April 2001: "Selecting Judges": presentation to the Marion County Bar Association task force on judicial selection
- March 2001: Paper presenter at Brennan Center/American Judicature Society Conference on the Judicial Independence and Selection Research Agenda, Philadelphia, PA
- December 2000: "Public Financing of Judicial Elections": Paper presenter at Summit of State Supreme Court Chief Justices, Chicago, IL
- July 2000: "State Judicial Selection: Not Just Politics as Usual": Panelist on a program at the American Bar Association Annual Meeting, New York, NY
- October 1999: Panelist at the Koskoff, Koskoff & Bieder Symposium on Judicial Independence at Quinnipiac College School of Law, Hamden, CT
- August 1999: "Emerging Issues in Judicial Independence": Discussion Moderator at the Pacific Northwest Judicial Conference, Newport, OR
- December 1998: "The Relationship Between Courts and Congress": Commentator on panel at American Bar Association Conference on Judicial Independence
- November 1998: Panelist in a program on Presidential impeachment at Cleveland State University, Cleveland-Marshall College of Law, Cleveland, OH
- November 1998: "The Judicial Independence Research Agenda": Commentator on paper presented at a symposium on Judicial Independence at the University of Southern California Law School, Los Angeles, CA
- November 1998: "The History of State Judicial Independence": Presentation to the National Appellate Chief Judges' Council Conference on State Judicial Independence. Key West, FL
- August 1998: "Judicial Independence and the Rule of Law": Panel Moderator at the American Judicature Society Annual Meeting, Toronto, Canada
- October 1997: "Judge Bashing and Judicial Independence": Presentation to the Indiana University Chapter of the Federalist Society, Bloomington, IN
- December 1997: "Breaking the Deadlock in the Judicial Independence Debate": Presentation to the Indiana University School of Law Faculty, Bloomington, IN
- April 1997: "The Origins of Federal Judicial Independence": Presentation to the University of Pennsylvania Law School Colloquium on the Independence of the Judiciary and Separation of Powers, Philadelphia, PA
- September 1996: "Prudential Constraints on the Judiciary's Role in Statutory Reform": Presentation to the American Political Science Association, San Francisco, CA
- April 1993: "Judicial Impact Assessment and the Need for an Independent Office of Interbranch Relations": Panel Presentation in Workshop hosted by the Federal Judicial Center, Washington, D.C.
- January 1993: "Means of Judicial Discipline Other Than Those Prescribed by the Judicial Discipline Statue": Presentation to the National Commission on Judicial Discipline and Removal, Washington, D.C.

- October 1992: "Methods of Judicial Discipline: Analysis and Reform": Presentation to the Widener University Law Faculty, Harrisburg, PA
- September 1992: "Judicial Activism and Statutory Interpretation": Address to the Widener University Chapter of the Federalist Society, Harrisburg, PA
- January 1991: "Complex Litigation Reform and the Legislative Process": Address to the Civil Procedure Section of the Association of American Law Schools, Washington, D.C.
- December 1990: "The Future of Diversity Jurisdiction": Address to the National Conference of State Legislatures, Washington, D.C.
- May 1990: "Implementing the Recommendations of the Federal Courts Study Committee": Address to the Seventh Circuit Judicial Conference and the Seventh Circuit Bar Association, Milwaukee, WI
- May 1990: "The Report of the Federal Courts Study Committee and its Impact on the States": Address to the National Conference of State Legislatures, Washington, D.C.

Attachment Two

In The Senate of the United States
Sitting as a Court of Impeachment

In re:
Impeachment of G. Thomas Porteous, Jr.,
United States District Judge for the
Eastern District of Louisiana

The House of Representatives' Trial Exhibit List

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 1	House Resolution 15: Authorizing Committee on the Judiciary to Inquire whether the House Should Impeach Judge Porteous January 13, 2009	HP Ex. 1 ¹	
HP Ex. 2	Committee on the Judiciary Resolution Establishing Task Force January 22, 2009	HP Ex. 2	
HP Ex. 3	Committee on the Judiciary Resolution Amending the January 22, 2009 Resolution May 12, 2009	HP Ex. 3	
HP Ex. 4	Letter from John C. Keeney, Deputy Assistant Attorney General, to Chief Judge Edith H. Jones <u>Re: Complaint of Judicial Misconduct Concerning The Honorable G. Thomas Porteous, Jr.</u> May 18, 2007	HP Ex. 4	SC Ex. 34 ²
HP Ex. 5	Report by the Special Investigatory Committee to the Judicial Council of the United States Court of Appeals for the Fifth Circuit <u>In The Matter of Judge G. Thomas Porteous, Jr.</u> Docket No. 07-05-351-0085 November 20, 2007	HP Ex. 5	

¹ All documents contained on the Exhibit List submitted to the House of Representatives, Committee on the Judiciary, Task Force on Judicial Impeachment, were made a part of the hearing record, without objection, at the January 21, 2010 Meeting of the Impeachment Task Force. See Stenographic Minutes at 14–16 (House Trial Exhibit: HP Ex. 449).

² All exhibits contained on the Fifth Circuit Exhibit List (referred to as “SC Exhibits”) were admitted into evidence and made a part of the official record before the Fifth Circuit Special Investigatory Committee during the October 30, 2007 hearing. See Fifth Circuit Hearing Transcript at 426–31 (House Trial Exhibit: HP Ex. 43).

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 6 (a)	<u>Memorandum Order and Certification</u> Judicial Council of the Fifth Circuit Docket No. 07-05-351-0085 December 20, 2007	HP Ex. 6 (a)	
HP Ex. 6 (b)	Dissenting Opinion by Judge James Dennis <u>In The Matter of Judge G. Thomas Porteous, Jr.</u> Docket No. 07-05-351-0085 [Undated]	HP Ex. 6 (b)	
HP Ex. 6(c)	Judge G. Thomas Porteous, Jr.'s Reply Memorandum to the Special Investigatory Committee Report <u>In The Matter of G. Thomas Porteous, Jr.</u> December 5, 2007		
HP Ex. 7 (a)	Letter from James C. Duff, Secretary to the Judicial Conference of the United States to the Speaker of the House of Representatives June 18, 2008	HP Ex. 7 (a)	
HP Ex. 7 (b)	Certificate to the Speaker of the United States House of Representatives June 17, 2009	HP Ex. 7 (b)	
HP Ex. 7 (c)	Report and Recommendations of the Judicial Conference Committee on Judicial Conduct and Disability June 2008	HP Ex. 7 (c)	
HP Ex. 8	<u>Order and Public Reprimand</u> by the Judicial Counsel of the Fifth Circuit (suspending Judge G. Thomas Porteous from the bench for two years) September 10, 2008	HP Ex. 8	
HP Ex. 9 (a)	President Clinton's Nomination of Judge Porteous August 25, 1994	HP Ex. 9 (a)	
HP Ex. 9 (b)	Excerpts from Senate Confirmation Hearings for Judge Porteous October 6, 1994	HP Ex. 9 (b)	
HP Ex. 9 (c)	Congressional Record Reflecting Senate Confirmation of Judge Porteous October 7, 1994	HP Ex. 9 (c)	
HP Ex. 9 (d)	Judge Porteous Appointment Affidavit October 28, 1994	HP Ex. 9 (d)	
HP Ex. 9 (e)	Judge Porteous Resignation Letter to the 24 th Judicial District Court October 25, 1994		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 9 (f)	Certified Copy of Judge Porteous's Questionnaire for Judicial Nominees (received from the Senate Committee on the Judiciary)		
HP Ex. 10	Judge Porteous Fifth Circuit Testimony October 29, 2007	HP Ex. 10* ³	5th Cir. Testimony
HP Ex. 11	Robert Creely Grand Jury Testimony March 17, 2006	HP Ex. 11	SC Ex. 60
HP Ex. 12	Robert Creely Fifth Circuit Testimony October 29, 2007	HP Ex. 12	5th Cir. Testimony
HP Ex. 13	<u>Application for Compulsion Order</u> (for Robert Creely) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 13	SC Ex. 39
HP Ex. 14 (a)	PACER Docket Report: <i>USA v. Ratcliff, et al.</i> Case No.: 2:95-cv-00224-GTP (Robert Creely as Counsel)	HP Ex. 14 (a)	
HP Ex. 14 (b)	PACER Docket Report: <i>Union Planters Bank v. Gavel</i> Case No.: 2:02-cv-01224-GTP (Robert Creely as Counsel)	HP Ex. 14 (b)	
HP Ex. 15	Robert Creely Task Force Immunity Order August 12, 2009	HP Ex. 15	
HP Ex. 16	Robert Creely Task Force Deposition August 28, 2009	HP Ex. 16*	
HP Ex. 17	<u>Application for Compulsion Order</u> (for Judge Porteous) and Immunity Order signed by Chief Judge Edith H. Jones October 5, 2007	HP Ex. 17	SC Ex. 46
HP Ex. 18	Jacob Amato, Jr. Grand Jury Testimony May 5, 2006	HP Ex. 18	SC Ex. 58
HP Ex. 19	FBI Interview of Robert Creely December 8, 2003		SC Ex. 59
HP Ex. 20	Jacob Amato, Jr. Fifth Circuit Testimony October 29, 2007	HP Ex. 20	5th Cir. Testimony
HP Ex. 21(a)	<u>Application for Compulsion Order</u> (for Jacob Amato, Jr.) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 21(a)	SC Ex. 38
HP Ex. 21 (b)	Jacob Amato, Jr. Calendars 1999 – 2001	HP Ex. 21 (b)	SC Ex. 17
HP Ex. 21 (c)	Jacob Amato, Jr. Credit Card Records	HP Ex. 21 (c)	SC Exs. 13–16

³ The Trial Exhibit versions of all House Exhibits marked with an asterisk (*) have been updated or revised from the original version of the Exhibit that was introduced and made a part of the record before the Committee on the Judiciary Impeachment Task Force.

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 22	<i>Buck v. Candy Fleet Corp, et al.</i> Case No.: 2:97-cv-01593-GTP (Jacob Amato, Jr. as Counsel)	HP Ex. 22	
HP Ex. 23	Jacob Amato, Jr. Task Force Immunity Order August 12, 2009	HP Ex. 23	
HP Ex. 24	Jacob Amato, Jr. Task Force Deposition October 14, 2009	HP Ex. 24	
HP Ex. 25	Leonard Levenson Grand Jury Testimony April 7, 2006	HP Ex. 25	SC Ex. 65
HP Ex. 26	Leonard Levenson Grand Jury Exhibits	HP Ex. 26	
HP Ex. 27	<u>Application for Compulsion Order</u> (for Leonard Levenson) and Immunity <u>Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 27	SC Ex. 43
HP Ex. 28 (a)	<u>Judgment</u> <i>Egudin v. Carriage Court Condominiums, et al.</i> Case No. 286-153 (24th Judicial District Court, Jefferson Parish, LA) (Leonard Levenson as Counsel while Porteous was a State Court Judge) June 18, 1987	HP Ex. 28 (a)	
HP Ex. 28 (b)	PACER Docket Report: <i>In Re: McManus</i> Case No.: 2:95-cv-01615-GTP Date Filed: 05/23/1995 (Leonard Levenson as Counsel)	HP Ex. 28 (b)	
HP Ex. 28 (c)	PACER Docket Report: <i>First Nat'l Bank, et al. v. Evans</i> Case No.: 2:96-cv-01006-GTP Date Filed: 03/20/1996 (Leonard Levenson as Counsel)	HP Ex. 28 (c)	
HP Ex. 28 (d)	PACER Docket Report: <i>Joseph v. Sears Roebuck & Co.</i> Case No.: 2:97-cv-00192-GTP Date Filed: 01/21/1997 (Leonard Levenson as Counsel)	HP Ex. 28 (d)	
HP Ex. 28 (e)	PACER Docket Report: <i>Liberty Mut. Fire Ins. v. Ravannack</i> Case No.: 2:00- cv-01209-CJB-DEK Date Filed: 04/19/2000 (Leonard Levenson as Counsel)	HP Ex. 28 (e)	
HP Ex. 28 (f)	PACER Docket Report: <i>Holmes v. Consol. Companies Inc.</i> Case No.: 2:00-cv-01447-GTP Date Filed: 05/17/2000 (Leonard Levenson as Counsel)	HP Ex. 28 (f)	
HP Ex. 28 (g)	PACER Docket Report: <i>Morales v. Trippe, et al.</i> Case No.: 2:04-cv-02483-GTP-DEK Date Filed: 08/31/2004 (Leonard Levenson as Counsel)	HP Ex. 28 (g)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 28 (h)	PACER Docket Report: <i>Alliance Gen Ins. Co. v. LA Sheriff's Auto., et al.</i> Case No.: 2:96-cv-00961-GTP Date Filed: 03/15/1996 (Leonard Levenson as Counsel)	HP Ex. 28 (h)	
HP Ex. 29	Leonard Levenson Judiciary Committee Immunity Order August 12, 2009	HP Ex. 29	
HP Ex. 30	Leonard Levenson Task Force Deposition August 24, 2009	HP Ex. 30	
HP Ex. 31	Leonard Levenson Task Force Deposition January 6, 2010	HP Ex. 31	
HP Ex. 32	Don Gardner Fifth Circuit Testimony October 29, 2007	HP Ex. 32	5th Cir. Testimony
HP Ex. 33	Don Gardner Grand Jury Testimony March 31, 2006	HP Ex. 33	SC Ex. 64
HP Ex. 34	<u>Application for Compulsion Order</u> (for Don Gardner) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 34	SC Ex. 42
HP Ex. 35 (a)	Don Gardner Records re: Trips to Washington May-June 1994	HP Ex. 35 (a)	SC Ex. 10
HP Ex. 35 (b)	Don Gardner Retainer Agreement (<i>In re: Liljberg</i>) February 18, 1997	HP Ex. 35 (b)	SC Ex. 10
HP Ex. 36	Don Gardner Task Force Deposition September 22, 2009	HP Ex. 36	
HP Ex. 37 (a)	<i>Chabert v. Laborde</i> 507 So.2d 848 (La. Ct. App. 1987) (Don Gardner as Counsel)	HP Ex. 37 (a)	
HP Ex. 37 (b)	<i>Jefferson Oncology v. LA Health Svcs. & Indemnity Co.</i> 545 So.2d 1125 (La. Ct. App. 1989) (Don Gardner as Counsel)	HP Ex. 37 (b)	
HP Ex. 37 (c)	<i>Joseph R. Keenan Co. v. White House Apartments</i> 517 So.2d 1141 (La. Ct. App. 1988) (Don Gardner as Counsel)	HP Ex. 37 (c)	
HP Ex. 37 (d)	PACER Docket Report: <i>P&L Electronics v. Rosenthal Trust</i> Case No.: 2:93-cv-03865-GTP Nov. 23, 1993 (Don Gardner as Counsel)	HP Ex. 37 (d)	
HP Ex. 38	Warren Forstall, Jr. Grand Jury Testimony March 17, 2006	HP Ex. 38	SC Ex. 63
HP Ex. 39	NOT MARKED FOR TRIAL		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 40	Rhonda Danos Grand Jury Testimony March 31, 2006	HP Ex. 40	SC Ex. 61
HP Ex. 41	Rhonda Danos Grand Jury Testimony August 18, 2006	HP Ex. 41	SC Ex. 62
HP Ex. 42	FBI Interview of Rhonda Danos December 8, 2003		
HP Ex. 43	Rhonda Danos Fifth Circuit Testimony October 29, 2007	HP Ex. 43	5th Cir. Testimony
HP Ex. 44	<u>Application for Compulsion Order</u> (for Rhonda Danos) and <u>Immunity Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 44	SC Ex. 40
HP Ex. 45	Rhonda Danos Judiciary Committee Immunity Order August 12, 2009	HP Ex. 45	
HP Ex. 46	Rhonda Danos Task Force Deposition August 25, 2009	HP Ex. 46	
HP Ex. 47	Rhonda Danos Task Force Deposition December 3, 2009	HP Ex. 47	
HP Ex. 48	FBI Surveillance Video March 11, 2002		
HP Ex. 49	FBI Wiretap Recordings March 11, 2002		
HP Ex. 50	PACER Docket Report: <i>In re: Liljeberg Ents. Inc., et al.</i> Case No.: 2:93-cv-01794-GTP	HP Ex. 50	SC Ex. 82
HP Ex. 51 (a)	<u>Ex Parte Motion of Liljeberg Enterprises, Inc. to Substitute Counsel</u> <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP September 19, 1996	HP Ex. 51 (a)	
HP Ex. 51 (b)	<u>Order</u> (Granting Motion to Substitute Counsel) <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP September 23, 1996	HP Ex. 51 (b)	
HP Ex. 52	<u>Motion to Recuse</u> (by Lifemark) and <u>Memorandum in Support of Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP October 1, 1996	HP Ex. 52*	SC Ex. 19
HP Ex. 53	<u>Memorandum in Opposition to Lifemark's Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP October 9, 1996	HP Ex. 53	SC Ex. 19

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 54	<u>Motion for Leave to File Lifemark's Reply Memorandum to Liljeberg Enterprises Inc.'s Opposition to Motion to Recuse</u> and <u>Lifemark's Reply Memorandum to Liljeberg Enterprises, Inc.'s Opposition to Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP October 11, 1996	HP Ex. 54	SC Ex. 19 (Reply Memorandum Only)
HP Ex. 55	<u>Motion for Leave of Court to File Response to Lifemark's Reply Memorandum on Motion to Recuse and Memorandum in Support of Motion for Leave;</u> <u>Order;</u> and <u>Memorandum of Liljeberg Enterprises, Inc. and St. Jude Hospital of Kenner La., Inc. in Opposition to Reply Memorandum of Lifemark on Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP October 15, 1996	HP Ex. 55*	SC Ex. 19 (Memorandum in Opposition to Reply Only)
HP Ex. 56	<u>Transcript</u> Re: Plaintiff's Motion to Recuse Before the Honorable G. Thomas Porteous, Jr., United States District Judge <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP October 16, 1996	HP Ex. 56	
HP Ex. 57	<u>Judgment</u> (Denying Lifemark's Motion to Recuse) <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP October 17, 1996	HP Ex. 57	SC Ex. 19
HP Ex. 58	<u>Lifemark's Petition for Writ of Mandamus to Fifth Circuit Court of Appeals</u> <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> October 24, 1996	HP Ex. 58	
HP Ex. 59	<u>Order</u> (Denying Petition for Writ of Mandamus) <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No. 96-31098 (Fifth Circuit Court of Appeals) October 28, 1996	HP Ex. 59	
HP Ex. 60 (a)	<u>Ex Parte Motion of Lifemark to Enroll Additional Counsel of Record</u> (Don Gardner) <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP March 11, 1997	HP Ex. 60 (a)	
HP Ex. 60 (b)	<u>Order</u> (Granting Lifemark's Motion to Enroll Don Gardner as Counsel) <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP March 12, 1997	HP Ex. 60 (b)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 61	<u>Trial Transcript Excerpts</u> <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP July 17, 1997 and July 21, 1997	HP Ex. 61	
HP Ex. 62	<u>Opinion</u> <i>Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.</i> Case No.: 2:93-cv-01794-GTP April 25, 2000	HP Ex. 62	
HP Ex. 63	<u>Opinion</u> <i>In the Matter of Liljeberg Enterprises Inc.</i> 304 F.3d 410 (5th Cir. 2002) April 28, 2002	HP Ex. 63	
HP Ex. 64	Joseph Mole Grand Jury Testimony May 5, 2006	HP Ex. 64	SC Ex. 69
HP Ex. 65	Joseph Mole Fifth Circuit Testimony October 29, 2007	HP Ex. 65	5th Cir. Testimony
HP Ex. 66	Joseph Mole FBI Interview Transcription Date: July 1, 2004		SC Ex. 87
HP Ex. 67	Cover Emails and Clinton Presidential Records re: Judge Porteous	HP Ex. 67	
HP Ex. 68	Louis Marcotte Task Force Deposition October 13, 2009	HP Ex. 68	
HP Ex. 69 (a)	Department of Justice Document Production One (excerpts) June 18, 2009	HP Ex. 69 (a)	
HP Ex. 69 (b)	Department of Justice Document Production Two (excerpts) June 25, 2009	HP Ex. 69 (b)*	
HP Ex. 69 (c)	Department of Justice Document Production Three (excerpts) July 9, 2009	HP Ex. 69 (c)	
HP Ex. 69 (d)	Department of Justice Document Production Four (excerpts) July 20, 2009	HP Ex. 69 (d)	
HP Ex. 69 (e)	Department of Justice Document Production Five (excerpts) October 23, 2009	HP Ex. 69 (e)	
HP Ex. 69 (f)	Department of Justice Document Production Six (excerpts) November 13, 2009	HP Ex. 69 (f)	
HP Ex. 69 (g)	Excerpts from Norman Stotts FBI Interview Transcription Date: December 18, 2002	HP Ex. 69 (g)	
HP Ex. 69 (h)	Kevin Centanni FBI Interview Transcription Date: July 7, 2004	HP Ex. 69 (h)	
HP Ex. 69 (i)	Judge Porteous FBI Interview Transcription Date: July 8, 1994		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 69 (j)	Judge Porteous FBI Interview Transcription Date: August 18, 1994		
HP Ex. 69 (k)	Judge Porteous FBI Interview Transcription Date: August 18, 1994		
HP Ex. 69 (l)	Mike Reynolds FBI Interview Transcription Date: November 3, 1994		
HP Ex. 70	PACER Docket Report: <i>United States v. Louis Marcotte and Lori Marcotte</i> Criminal No. 04:CR-00061-GPK	HP Ex. 70	
HP Ex. 71 (a)	<u>Bill of Information</u> <i>United States v. Louis Marcotte III and Lori Marcotte</i> Criminal Docket No. 4-061 March 3, 2004	HP Ex. 71 (a)	
HP Ex. 71 (b)	<u>Plea Agreement</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 February 20, 2004	HP Ex. 71 (b)	
HP Ex. 71 (c)	<u>Plea Agreement Addendum</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 March 18, 2004	HP Ex. 71 (c)	
HP Ex. 71 (d)	<u>Factual Basis</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 March 18, 2004	HP Ex. 71 (d)	
HP Ex. 71 (e)	<u>Judgment</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 September 8, 2006	HP Ex. 71 (e)	
HP Ex. 71 (f)	<u>Unsealed Pleadings</u> <i>United States v. Louis M. Marcotte III & Lori Marcotte</i> Criminal Docket No. 4-061		
HP Ex. 72 (a)	Excerpts from Louis Marcotte FBI Interview March 2, 23, 24, 25, and 29, 2004	HP Ex. 72 (a)	
HP Ex. 72 (b)	Louis Marcotte FBI Interview April 21, 2004	HP Ex. 72 (b)	
HP Ex. 72 (c)	Louis Marcotte FBI Interview April 23, 2004	HP Ex. 72 (c)	
HP Ex. 72 (d)	Louis Marcotte FBI Interview April 1, 2004	HP Ex. 72 (d)	
HP Ex. 72 (e)	Louis Marcotte FBI Interview April 6, 2004	HP Ex. 72 (e)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 72 (f)	Louis Marcotte FBI Interview July 20, 2004	HP Ex. 72 (f)	
HP Ex. 72 (g)	Louis Marcotte FBI Interview October 14, 2004	HP Ex. 72 (g)	
HP Ex. 73 (a)	<u>Plea Agreement</u> <i>United States v. Lori Marcotte</i> Criminal Docket No.: 4-061 February 20, 2004	HP Ex. 73 (a)	
HP Ex. 73 (b)	<u>Addendum to Plea Agreement</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 March 18, 2004	HP Ex. 73 (b)	
HP Ex. 73 (c)	<u>Factual Basis</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 March 18, 2004	HP Ex. 73 (c)	
HP Ex. 73 (d)	<u>Judgment</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 August 28, 2006	HP Ex. 73 (d)	
HP Ex. 74 (a)	Lori Marcotte FBI Interview March 3, 2004	HP Ex. 74 (a)	
HP Ex. 74 (b)	Lori Marcotte FBI Interview March 25, 2004	HP Ex. 74 (b)	
HP Ex. 74 (c)	Lori Marcotte FBI Interview March 30, 2004	HP Ex. 74 (c)	
HP Ex. 74 (d)	Lori Marcotte FBI Interview April 20, 2004	HP Ex. 74 (d)	
HP Ex. 74 (e)	Lori Marcotte FBI Interview November 3, 2004	HP Ex. 74 (e)	
HP Ex. 74 (f)	Lori Marcotte FBI Interview April 5, 2004	HP Ex. 74 (f)	
HP Ex. 75	Testimony of Lori Marcotte: <i>United States v. Alan Green</i> Criminal Action No. 04-295 June 22, 2005 and June 25, 2005	HP Ex. 75	
HP Ex. 76	Lori Marcotte Task Force Deposition August 26, 2009	HP Ex. 76	
HP Ex. 77 (a)	<u>Motion for Expungement</u> <i>State of Louisiana v. Jeffery J. Duhon</i> Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) (Undated, hearing set for July 15, 1993)	HP Ex. 77 (a)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 77 (b)	<u>Judgment of Expungement</u> <i>State of Louisiana v. Jeffery J. Duhon</i> Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) July 29, 1993	HP Ex. 77 (b)	
HP Ex. 77 (c)	<u>Motion to Set Aside Conviction and Dismiss Prosecution and Order</u> <i>State of Louisiana v. Jeffery J. Duhon</i> Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) June 17, 1993		
HP Ex. 78	Jeffery Duhon Task Force Deposition July 23, 2009	HP Ex. 78	
HP Ex. 79	Charles Kerner Task Force Deposition December 3, 2009	HP Ex. 79*	
HP Ex. 80 (a)	Jeffery Duhon FBI Interview July 22, 2002	HP Ex. 80 (a)	
HP Ex. 80 (b)	Jeffery Duhon FBI Interview July 24, 2002	HP Ex. 80 (b)	
HP Ex. 80 (c)	Jeffery Duhon FBI Interview November 13, 2002	HP Ex. 80 (c)	
HP Ex. 80 (d)	Jeffery Duhon FBI Interview December 16, 2002	HP Ex. 80 (d)	
HP Ex. 80 (e)	Jeffery Duhon FBI Interview August 5, 2003	HP Ex. 80 (e)	
HP Ex. 80 (f)	Jeffery Duhon FBI Interview December 12, 2003	HP Ex. 80 (f)	
HP Ex. 80 (g)	Jeffery Duhon FBI Interview January 29, 2004	HP Ex. 80 (g)	
HP Ex. 81	Case File: <i>State of Louisiana v. Aubrey N. Wallace</i> Case No. 89-001 24th Judicial District Court, Jefferson Parish, LA	HP Ex. 81	
HP Ex. 82	Case File: <i>State of Louisiana v. Aubrey N. Wallace</i> Case No. 89- 2360 24th Judicial District Court, Jefferson Parish, LA	HP Ex. 82	
HP Ex. 83	Aubrey Wallace Task Force Deposition July 24, 2009	HP Ex. 83	
HP Ex. 84	Aubrey Wallace FBI Interview October 1, 2004	HP Ex. 84	
HP Ex. 85	Documents Provided by the Metropolitan Crime Commission	HP Ex. 85	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 86	Ronald Bodenheimer Task Force Deposition August 27, 2009	HP Ex. 86	
HP Ex. 87	Ronald Bodenheimer Grand Jury Testimony April 22, 2004	HP Ex. 87	
HP Ex. 88 (a)	<u>Indictment for Violation of the Federal Controlled Substances Act</u> <i>U.S. v. Ronald D. Bodenheimer and Curley J. Chewning</i> Criminal Docket No. 02-219 July 17, 2002	HP Ex. 88 (a)	
HP Ex. 88 (b)	<u>Superseding Indictment for Violation of the Federal Controlled Substances Act</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 January 16, 2003	HP Ex. 88 (b)	
HP Ex. 88 (c)	<u>Indictment for Conspiracy to Commit Mail Fraud, Mail Fraud, and Conspiracy to Violate Civil Rights Laws</u> <i>U.S. v. Ronald D. Bodenheimer, et al.</i> Criminal Docket No. 03-026 February 5, 2003	HP Ex. 88 (c)	
HP Ex. 88 (d)	<u>Superseding Bill of Information</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 31, 2003	HP Ex. 88 (d)	
HP Ex. 88 (e)	<u>Plea Agreement</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	HP Ex. 88 (e)	
HP Ex. 88 (f)	<u>Factual Basis</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	HP Ex. 88 (f)	
HP Ex. 88 (g)	<u>Supplement to Factual Basis</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 31, 2003	HP Ex. 88 (g)	
HP Ex. 88 (h)	<u>Judgment and Probation/Commitment Order</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 April 28, 2004	HP Ex. 88 (h)	
HP Ex. 88 (i)	<u>Unsealed Pleadings</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219		
HP Ex. 89(a)	FBI Interview of Ronald Bodenheimer April 25, 2003		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 89(b)	FBI Interview of Ronald Bodenheimer May 20, 2003		
HP Ex. 89(c)	FBI Interview of Ronald Bodenheimer January 15, 16, 2004		
HP Ex. 89(d)	FBI Interview of Ronald Bodenheimer April 20, 2004		
HP Ex. 90 (a)	Professional Bail Agents of the United States Midyear Conference Program Royal Sonesta Hotel, New Orleans, LA July 11-13, 1996	HP Ex. 90 (a)	
HP Ex. 90 (b)	Professional Bail Agents of the United States Midyear Conference Program Beau Rivage Hotel, Biloxi, MS July 17-21, 1999	HP Ex. 90 (b)	
HP Ex. 91 (a)	Case File: <i>Bail Bonds Unlimited v. Dennis, et al.</i> Case No. 589-134 24th Judicial District Court, Jefferson Parish, LA	HP Ex. 91 (a)	
HP Ex. 91 (b)	Case File: <i>Bail Bonds Unlimited v. Hollingsworth</i> Case No. 467-905 24th Judicial District Court, Jefferson Parish, LA	HP Ex. 91 (b)	
HP Ex. 92 (a)	Bruce Netterville Task Force Deposition August 26, 2009	HP Ex. 92 (a)*	
HP Ex. 92 (b)	Bruce Netterville Judiciary Committee Immunity Order August 12, 2009	HP Ex. 92 (b)	
HP Ex. 93 (a)	<u>Indictment</u> <i>United States v. Alan Green and Norman Bowley</i> Criminal Docket No. 04-295 September 29, 2004	HP Ex. 93 (a)	
HP Ex. 93 (b)	<u>Judgment</u> <i>United States v. Alan Green</i> Criminal Docket No. 04-295 June 29, 2005	HP Ex. 93 (b)	
HP Ex. 94 (a)	<u>Plea Agreement</u> <i>United States v. Norman Bowley</i> Criminal Docket No. 04-295 June 8, 2005	HP Ex. 94 (a)	
HP Ex. 94 (b)	<u>Factual Basis</u> <i>United States v. Norman Bowley</i> Criminal Docket No. 04-295 June 9, 2005	HP Ex. 94 (b)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 94 (c)	<u>Judgment</u> <i>United States v. Norman Bowley</i> Criminal Docket No. 04-295 February 6, 2006	HP Ex. 94 (c)	
HP Ex. 95 (a)	<u>Bill of Information</u> <i>United States of America v. Landry Forges, et al.</i> Criminal Docket No. 04-217 July 21, 2004	HP Ex. 95 (a)	
HP Ex. 95 (b)	<u>Plea Agreement</u> <i>United States of America v. Landry Forges, et al.</i> Criminal Docket No. 04-217 May 12, 2004	HP Ex. 95 (b)	
HP Ex. 95 (c)	<u>Factual Basis</u> <i>United States of America v. Landry Forges, et al.</i> Criminal Docket No. 04-217 September 1, 2004	HP Ex. 95 (c)	
HP Ex. 95 (d)	<u>Judgment</u> <i>United States of America v. Landry Forges, et al.</i> Criminal Docket No. 04-217 January 18, 2006	HP Ex. 95 (d)	
HP Ex. 96 (a)	<u>Plea Agreement</u> <i>United States v. Myrtis Randall</i> Criminal Docket No. 04-217 September 1, 2004	HP Ex. 96 (a)	
HP Ex. 96 (b)	<u>Factual Basis</u> <i>United States v. Myrtis Randall</i> Criminal Docket No. 04-217 September 1, 2004	HP Ex. 96 (b)	
HP Ex. 96 (c)	<u>Judgment</u> <i>United States v. Myrtis Randall</i> Criminal Docket No. 04-217 January 18, 2006	HP Ex. 96 (c)	
HP Ex. 97 (a)	<u>Plea Agreement</u> <i>United States v. Edward Still</i> Criminal Docket No. 04-217 June 2, 2004	HP Ex. 97 (a)	
HP Ex. 97 (b)	<u>Factual Basis</u> <i>United States v. Edward Still</i> Criminal Docket No. 04-217 September 1, 2004	HP Ex. 97 (b)	
HP Ex. 97 (c)	<u>Judgment</u> <i>United States v. Edward Still</i> Criminal Docket No. 04-217 February 2, 2005	HP Ex. 97 (c)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 98 (a)	<u>Bill of Information</u> <i>United States v. William Giangrosso</i> Criminal Docket No. 04-218 July 21, 2004	HP Ex. 98 (a)	
HP Ex. 98 (b)	<u>Plea Agreement</u> <i>United States v. William Giangrosso</i> Criminal Docket No. 04-218 June 2, 2004	HP Ex. 98 (b)	
HP Ex. 98 (c)	<u>Factual Basis</u> <i>United States v. William Giangrosso</i> Criminal Docket No. 04-218 September 3, 2004	HP Ex. 98 (c)	
HP Ex. 98 (d)	<u>Judgment</u> <i>United States v. William Giangrosso</i> Criminal Docket No. 04-218 August 25, 2005	HP Ex. 98 (d)	
HP Ex. 99 (a)	<u>Bill of Information</u> <i>United States v. Guy Maynard Crosby</i> Criminal Docket No. 03-039 February 27, 2003	HP Ex. 99 (a)	
HP Ex. 99 (b)	<u>Plea Agreement</u> <i>United States v. Guy Maynard Crosby</i> Criminal Docket No. 03-039 February 25, 2003	HP Ex. 99 (b)	
HP Ex. 99 (c)	<u>Factual Basis</u> <i>United States v. Guy Maynard Crosby</i> Criminal Docket No. 03-039 March 13, 2003	HP Ex. 99 (c)	
HP Ex. 99 (d)	<u>Judgment</u> <i>United States v. Guy Maynard Crosby</i> Criminal Docket No. 03-039 May 6, 2004	HP Ex. 99 (d)	
HP Ex. 100 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/08/1995 Reporting Period: 01/01/1994 – 12/31/1994	HP Ex. 100 (a)	SC Ex. 3
HP Ex. 100 (b)	1994 Financial Disclosure Instructions	HP Ex. 100 (b)	
HP Ex. 101 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/01/1996 Reporting Period: 01/01/1995 – 12/31/1995	HP Ex. 101 (a)	SC Ex. 3
HP Ex. 101 (b)	1995 Financial Disclosure Instructions	HP Ex. 101 (b)	
HP Ex. 102 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/1997 Reporting Period: 01/01/1996 – 12/31/1996	HP Ex. 102 (a)	SC Ex. 3

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 102 (b)	1996 Financial Disclosure Instructions	HP Ex. 102 (b)	
HP Ex. 103 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1998 Reporting Period: 01/01/1997 – 12/31/1997	HP Ex. 103 (a)	SC Ex. 3
HP Ex. 103 (b)	1997 Financial Disclosure Instructions	HP Ex. 103 (b)	
HP Ex. 104 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1999 Reporting Period: 01/01/1998 – 12/31/1998	HP Ex. 104 (a)	SC Ex. 3
HP Ex. 104 (b)	1998 Financial Disclosure Instructions	HP Ex. 104 (b)	
HP Ex. 105 (a)	Judge Porteous Financial Disclosure Form Date of Report: 05/05/2000 Reporting Period: 01/01/1999 – 12/31/1999	HP Ex. 105 (a)	SC Ex. 3
HP Ex. 105 (b)	1999 Financial Disclosure Instructions	HP Ex. 105 (b)	
HP Ex. 106 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/10/2001 Reporting Period: 01/01/2000 – 12/31/2000	HP Ex. 106 (a)	SC Ex. 3
HP Ex. 106 (b)	2000 Financial Disclosure Instructions	HP Ex. 106 (b)	
HP Ex. 107 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2002 Reporting Period: 01/01/2001 – 12/31/2001	HP Ex. 107 (a)	SC Ex. 3
HP Ex. 107 (b)	2001 Financial Disclosure Instructions	HP Ex. 107 (b)	
HP Ex. 108 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/09/2003 Reporting Period: 01/01/2002 – 12/31/2002	HP Ex. 108 (a)	SC Ex. 3
HP Ex. 108 (b)	2002 Financial Disclosure Instructions	HP Ex. 108 (b)	
HP Ex. 109(a)	Judge Porteous Financial Disclosure Report Date of Report: 5/6/2004 Reporting Period: 01/01/2003 – 12/31/2003	HP Ex. 109(a)	SC Ex. 3
HP Ex. 109 (b)	2003 Financial Disclosure Instructions	HP Ex. 109 (b)	
HP Ex. 110 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/2005 Reporting Period: 01/01/2004 – 12/31/2004	HP Ex. 110 (a)	SC Ex. 3
HP Ex. 110 (b)	2004 Financial Disclosure Instructions	HP Ex. 110 (b)	
HP Ex. 111 (a)	Judge Porteous Financial Disclosure Report Date of Report: 07/24/2006 Reporting Period: 01/01/2005 – 12/31/2005	HP Ex. 111 (a)	SC Ex. 3
HP Ex. 111 (b)	2005 Financial Disclosure Instructions	HP Ex. 111 (b)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 112 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2007 Reporting Period: 01/01/2006 – 12/31/2006	HP Ex. 112 (a)	
HP Ex. 112 (b)	2006 Financial Disclosure Instructions	HP Ex. 112 (b)	
HP Ex. 113	Judge Porteous Financial Disclosure Report Date of Report: 05/09/2008 Reporting Period: 01/01/2007 – 12/31/2007	HP Ex. 113	
HP Ex. 114	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2009 Reporting Period: 01/01/2008 – 12/31/2008	HP Ex. 114	
HP Ex. 115–118	NOT MARKED FOR TRIAL		
HP Ex. 119 (a)	"Amending Sentence Questioned: Federal judge defends action." By: Joe Darby Times-Picayune (March 19, 1995)	HP Ex. 119 (a)	
HP Ex. 119 (b)	"Number going bankrupt climbs: Federal judge gets in long debtors line." By: Susan Finch Times-Picayune (July 29, 2001)	HP Ex. 119 (b)	
HP Ex. 119 (c)	"Federal judge linked to corruption probe at JP courthouse." wwltv.com (cbs affiliate) (January 31, 2004)	HP Ex. 119 (c)	
HP Ex. 119 (d)	"Judge recuses himself from cases." By: Staff Reporters Times-Picayune (February 26, 2004)	HP Ex. 119 (d)	
HP Ex. 119 (e)	"Judges were given gifts: Marcotte's ex-workers tell of shrimp, fence." By: Martha Carr and Manuel Torres Times-Picayune (February 8, 2003)	HP Ex. 119 (e)	
HP Ex. 119 (f)	"Bail bondsman to enter guilty plea on RICO charge: More judges may be implicated in probe." By: Manuel Torres Times-Picayune (March 6, 2004)	HP Ex. 119 (f)	
HP Ex. 119 (g)	"Outsider to hear Marcotte plea deal: Bondsman may implicate judges." By: Manuel Torres and Michelle Krupa Times-Picayune (March 11, 2004)	HP Ex. 119 (g)	
HP Ex. 119 (h)	"Bail-bond scandal touches federal judge." By: James Gill Times-Picayune (March 12, 2004)	HP Ex. 119 (h)	
HP Ex. 119 (i)	"Judge's filing for bankruptcy under scrutiny: Investigation stems from probe into Jeff courthouse sources say." By: Manuel Torres Times-Picayune (July 28, 2004)	HP Ex. 119 (i)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 119 (j)	"Company facing suit took judge hunting: Experts question ethics of Porteous outing." By: Kate Moran Times-Picayune (October 29, 2006)	HP Ex. 119 (j)	
HP Ex. 119 (k)	"Feds look at judge's 'flawed' decision: they want to know if friendship influenced him in hospital case." By: Kate Moran and Meghan Gordon Times-Picayune (June 21, 2006)	HP Ex. 119 (k)	
HP Ex. 119 (l)	"Court refers Porteous for impeachment." www.nola.com Times-Picayune (December 20, 2007)	HP Ex. 119 (l)	
HP Ex. 119 (m)	"Ouster fight starts for U.S. Judge: Complaints against Porteous passed on." By: Richard Rainey www.tulanelink.com (December 21, 2007)	HP Ex. 119 (m)	
HP Ex. 119 (n)	"Porteous defense admits mistakes: Impeachment too harsh, attorneys say." By: Meghan Gordon Times-Picayune (Unknown Date)	HP Ex. 119 (n)	
HP Ex. 119 (o)	"Sabbatical of judge facing probe scrutinized: Status may hinge on medical records." By: Meghan Gordon, Mark Waller, and Mary Sparacello Times-Picayune (April 7, 2007)	HP Ex. 119 (o)	
HP Ex. 119 (p)	"Federal judge returning to bench: Threat of indictment passes for Porteous." By: Meghan Gordon Times-Picayune (June 1, 2007)	HP Ex. 119 (p)	
HP Ex. 119 (q)	"Judging Judge Porteous." By: Drew Broach Times-Picayune (June 22, 2008)	HP Ex. 119 (q)	
HP Ex. 119 ®	"Court slams Porteous as impeachment move stalls." By: Richard Rainey www.nola.com Times-Picayune (September 11, 2008)	HP Ex. 119 ®	
HP Ex. 119 (s)	"Rid us of this unfit judge." By: Editorial Staff http://blog.nola.com/editorials Times-Picayune (September 13, 2008)	HP Ex. 119 (s)	
HP Ex. 119 (t)	"How to get rid of a bad judge?" By: James Gill http://blog.nola.com Times-Picayune (September 17, 2008)	HP Ex. 119 (t)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 119 (u)	"U.S. House Judiciary Committee forms task force to investigate Judge Porteous." www.nola.com Times-Picayune (September 17, 2008)	HP Ex. 119 (u)	
HP Ex. 119 (v)	"Secretary for federal judge Thomas Porteous paid his gambling debts." By: Richard Rainey http://blog.nola.com Times-Picayune (October 5, 2008)	HP Ex. 119 (v)	
HP Ex. 119 (w)	"Most likely to be impeached?" By: James Gill http://blog.nola.com Times-Picayune (February 27, 2009)	HP Ex. 119 (w)	
HP Ex. 119 (x)	"Make up lost time." By: Editorial Staff http://blog.nola.com Times-Picayune (April 30, 2009)	HP Ex. 119 (x)	
HP Ex. 119 (y)	"2001 ruling could cost judge seat on bench: Panel urges removal, citing influence of lawyer, fellow judge." By: Drew Broach Times-Picayune (July 18, 2009)	HP Ex. 119 (y)	
HP Ex. 119 (z)	"\$80,000 house is used as surety for \$300,000 in bonds." Unknown Author Times-Picayune (September 14, 1993)	HP Ex. 119 (z)	
HP Ex. 119 (aa)	"Judge's case comes up for review." By: Meghan Gordon and Bill Walsh Times-Picayune (March 12, 2008)	HP Ex. 119 (aa)	
HP Ex. 119 (bb)	"Judge Porteous should resign." Opinions Times-Picayune (June 22, 2008)	HP Ex. 119 (bb)	
HP Ex. 120	Lightfoot Grand Jury Testimony August 19, 2004	HP Ex. 120	SC Ex. 66
HP Ex. 121	Lightfoot Grand Jury Testimony September 9, 2004	HP Ex. 121	SC Ex. 67
HP Ex. 122(a)	Lightfoot Grand Jury Testimony November 4, 2004	HP Ex. 122	SC Ex. 68
HP Ex. 122(b)	Lightfoot Crime Fraud Ruling October 19, 2004		SC Ex. 36
HP Ex. 123	Lightfoot Task Force Deposition September 24, 2009	HP Ex. 123	
HP Ex. 124	Lightfoot Fifth Circuit Testimony October 29, 2007	HP Ex. 124	5th Cir. Testimony

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 125	Voluntary Petition for Bankruptcy ("Ortous") <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) March 28, 2001	HP Ex. 125	SC Ex. 1
HP Ex. 126	Amended Voluntary Petition ("Porteous") <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	HP Ex. 126	SC Ex. 1
HP Ex. 127	Chapter 13 Schedules and Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	HP Ex. 127	SC Ex. 1
HP Ex. 128	Notice of Meeting of Creditors (set for May 9, 2001) <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 19, 2001	HP Ex. 128	SC Ex. 1
HP Ex. 129	Trustee's Memo to Record re: Meeting of Creditors <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	HP Ex. 129	SC Ex. 1
HP Ex. 130	Meeting of Creditors Hearing Transcript <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	HP Ex. 130	SC Ex. 22
HP Ex. 131	Amended Schedule F and Modified Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	HP Ex. 131	SC Ex. 1
HP Ex. 132	Amended Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	HP Ex. 132	SC Ex. 1
HP Ex. 133	Order Confirming Debtor's Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 28, 2001	HP Ex. 133	SC Ex. 1
HP Ex. 134	Trustee's Notice of Intention to Pay Claims <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) Oct. 4, 2001	HP Ex. 134	SC Ex. 1
HP Ex. 135	Trustee's Ex Parte Motion to Amend the Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.)	HP Ex. 135	SC Ex. 1

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 136	Trustee's Final Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 2004	HP Ex. 136	SC Ex. 1
HP Ex. 137	Discharge of Debtor After Completion of Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004	HP Ex. 137	SC Ex. 1
HP Ex. 138 (a)	Lightfoot Handwritten Notes	HP Ex. 138 (a)	SC Ex. 31
HP Ex. 138 (b)	Bankruptcy Worksheets	HP Ex. 138 (b)	SC Ex. 31
HP Ex. 139	Cover Letter and Remainder of Lightfoot File	HP Ex. 139	SC Ex. 83
HP Ex. 140	Fleet Credit Card Statements (**0658) February 13, 2001 – September 15, 2001	HP Ex. 140*	SC Ex. 21 (4/01 – 9/01 only)
HP Ex. 141	2000 Porteous Tax Return March 23, 2001	HP Ex. 141	SC Ex. 24
HP Ex. 142	NOT MARKED FOR TRIAL		
HP Ex. 143	Fidelity Money Market Statement of Transaction Items (showing balance of over \$623.91 on March 22, 2001)	HP Ex. 143	SC Ex. 28
HP Ex. 144	Porteous Bank One Records January 25, 2001 – April 23, 2001	HP Ex. 144*	SC Ex. 27 & 5th Cir. "UL" documents
HP Ex. 145	P.O. Box Application March 20, 2001	HP Ex. 145	SC Ex. 23
HP Ex. 146	Lightfoot Letter re: Workout Proposal / Excluding Regions December 21, 2000	HP Ex. 146	SC Ex. 5
HP Ex. 147	NOT MARKED FOR TRIAL		
HP Ex. 148	Bankruptcy Pamphlet: "Rights and Responsibilities"	HP Ex. 148	SC Ex. 1
HP Ex. 149	Harrah's Casino Credit Application April 30, 2001	HP Ex. 149	SC Ex. 20
HP Ex. 150-159	NOT MARKED FOR TRIAL		
HP Ex. 160	Judiciary Committee Resolution Authorizing Immunity	HP Ex. 160	
HP Ex. 161-166	NOT MARKED FOR TRIAL		
HP Ex. 167	Porteous Credit Card Statement for December 1996	HP Ex. 167	
HP Ex. 168	Porteous Credit Card Statement for December 1997	HP Ex. 168*	
HP Ex. 169	Porteous Credit Card Statements for December 1998	HP Ex. 169*	
HP Ex. 170	Porteous Credit Card Statements for December 1999	HP Ex. 170	
HP Ex. 171	Porteous Credit Card Statements for December 2000	HP Ex. 171*	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 172-187	NOT MARKED FOR TRIAL		
HP Ex. 188	Letter from Jon A. Gegenheimer, Clerk of Court, Jefferson Parish, Louisiana, to Special Agent Wayne Horner Re: Curator Fees July 22, 2010		
HP Ex. 189 (1)	Curatorship: <i>Arseneaux v. Johnson</i> Case No. 363-652 (May 26, 1988)	HP Ex. 189 (1)	
HP Ex. 189 (2)	Curatorship: <i>Citicorp v. Wolf</i> Case No. 365-064 (June 23, 1988)	HP Ex. 189 (2)	
HP Ex. 189 (3)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Hood</i> Case No. 367-074 (August 3, 1988)	HP Ex. 189 (3)	
HP Ex. 189 (4)	UNMARKED	HP Ex. 189 (4)	
HP Ex. 189 (5)	Curatorship: <i>Standard Mortgage Corp. v. Aloute and Pfeiffer</i> Case No. 367-321 (August 8, 1988) (Division A)	HP Ex. 189 (5)	
HP Ex. 189 (6)	Curatorship: <i>Victor Federal Savings & Loan Ass'n v. Bushell</i> Case No. 367-901 (August 17, 1988)	HP Ex. 189 (6)	
HP Ex. 189 (7)	UNMARKED	HP Ex. 189 (7)	
HP Ex. 189 (8)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Ray</i> Case No. 368-819 (September 6, 1988)	HP Ex. 189 (8)	
HP Ex. 189 (9)	UNMARKED	HP Ex. 189 (9)	
HP Ex. 189 (10)	Curatorship: <i>United Federal Savings & Loan Ass'n v. Muse</i> Case No. 369-269 (September 14, 1988)	HP Ex. 189 (10)	
HP Ex. 189 (11)	Curatorship: <i>Foster Mortgage Corp. v. Alexander</i> Case No. 369-956 (September 28, 1988)	HP Ex. 189 (11)	
HP Ex. 189 (12)	Curatorship: <i>Hibernia Nat'l Bank v. Jeffrey</i> Case No. 370-035 (September 29, 1988)	HP Ex. 189 (12)	
HP Ex. 189 (13)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Howell</i> Case No. 370-287 (October 5, 1988)	HP Ex. 189 (13)	
HP Ex. 189 (14)	Curatorship: <i>Alabama Federal Savings & Loan Ass'n v. Brayton</i> Case No. 370-355 (October 5, 1988)	HP Ex. 189 (14)	
HP Ex. 189 (15)	UNMARKED		
HP Ex. 189 (16)	Curatorship: <i>Troy & Nichols Inc. v. Lachney</i> Case No. 370-771 (October 13, 1988)	HP Ex. 189 (16)	
HP Ex. 189 (17)	Curatorship: <i>Shawmut First Mortgage Corp. v. Carto</i> Case No. 370-849 (October 14, 1988)	HP Ex. 189 (17)	
HP Ex. 189 (18)	Curatorship: <i>First Union Mortgage Corp. v. Wyatt</i> Case No. 372-352 (November 17, 1988)	HP Ex. 189 (18)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (19)	Curatorship: <i>First Nat'l Bank of Commerce v. Every</i> Case No. 372-881 (November 30, 1988)	HP Ex. 189 (19)	
HP Ex. 189 (20)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Mackey</i> Case No. 372-944 (December 3, 1988)	HP Ex. 189 (20)	
HP Ex. 189 (21)	UNMARKED		
HP Ex. 189 (22)	Curatorship: <i>The First Nat'l Bank of Commerce v. Ordaz</i> Case No. 373-705 (December 16, 1988)	HP Ex. 189 (22)	
HP Ex. 189 (23)	Curatorship: <i>Government Nat'l Mortgage Ass'n v. Corwin</i> Case No. 373-707 (December 19, 1988)	HP Ex. 189 (23)	
HP Ex. 189 (24)	Curatorship: <i>Standard Mortgage Corp. v. Boxx</i> Case No. 374-742 (January 17, 1989)	HP Ex. 189 (24)	
HP Ex. 189 (25)	Curatorship: <i>First Nat'l Bank of Commerce v. Hussain</i> Case No. 378-003 (March 20, 1989)	HP Ex. 189 (25)	
HP Ex. 189 (26)	UNMARKED		
HP Ex. 189 (27)	Curatorship: <i>Colonial Mortgage Co. v. Bridges</i> Case No. 379-424 (April 17, 1989)	HP Ex. 189 (27)	
HP Ex. 189 (28)	Curatorship: <i>Foster Mortgage Co. v. Croon</i> Case No. 379-802 (April 14, 1989) (Division A)	HP Ex. 189 (28)	
HP Ex. 189 (29)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Strahley</i> Case No. 381-779 (May 30, 1989)	HP Ex. 189 (29)	
HP Ex. 189 (30)	UNMARKED		
HP Ex. 189 (31)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Carter</i> Case No. 382-048 (June 2, 1989)	HP Ex. 189 (31)	
HP Ex. 189 (32)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Washington</i> Case No. 382-229 (June 6, 1989)	HP Ex. 189 (32)	
HP Ex. 189 (33)	Curatorship: <i>Buckeye Federal Savings & Loan Ass'n v. Eugene</i> Case No. 382-275 (June 7, 1989) (Division A)	HP Ex. 189 (33)	
HP Ex. 189 (34)	Curatorship: <i>First Federal Savings Bank v. Landry</i> Case No. 383-658 (June 30, 1989)	HP Ex. 189 (34)	
HP Ex. 189 (35)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Young</i> Case No. 383-859 (July 7, 1989) (Division A)	HP Ex. 189 (35)	
HP Ex. 189 (36)	Curatorship: <i>Gattuso v. Robin Realty Inc.</i> Case No. 384-277 (July 14, 1989)	HP Ex. 189 (36)	
HP Ex. 189 (37)	Curatorship: <i>Colonial Mortgage Co. v. Wire</i> Case No. 384-327 (July 17, 1989)	HP Ex. 189 (37)	
HP Ex. 189 (38)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Vining</i> Case No. 386-273 (August 23, 1989)	HP Ex. 189 (38)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (39)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Elbaz</i> Case No. 386-965 (September 6, 1989)	HP Ex. 189 (39)	
HP Ex. 189 (40)	Curatorship: <i>Meritor Mortgage Corp. East v. Bass</i> Case No. 388-308 (September 29, 1989)	HP Ex. 189 (40)	
HP Ex. 189 (41)	Curatorship: <i>Sovan Mortgage Corp. v. Murray</i> Case No. 390-233 (November 8, 1989)	HP Ex. 189 (41)	
HP Ex. 189 (42)	Curatorship: <i>Beneficial Finance Co. of Louisiana v. Guidry</i> Case No. 390-663 (November 17, 1989)	HP Ex. 189 (42)	
HP Ex. 189 (43)	Curatorship: <i>Standard Mortgage Corp. v. Arceneaux</i> Case No. 389-960 (November 2, 1989)	HP Ex. 189 (43)	
HP Ex. 189 (44)	Curatorship: <i>Mutual Savings & Loan Ass'n v. Wilson</i> Case No. 391-574 (December 7, 1989)	HP Ex. 189 (44)	
HP Ex. 189 (45)	Curatorship: <i>National City Mortgage Co. v. Harris</i> Case No. 392-006 (December 18, 1989)	HP Ex. 189 (45)	
HP Ex. 189 (46)	Curatorship: <i>American General Finance Co. v. Gras</i> Case No. 392-036 (December 18, 1989)	HP Ex. 189 (46)	
HP Ex. 189 (47)	Curatorship: <i>BancBoston Mortgage Corp. v. Simoulidis</i> Case No. 392-510 (December 29, 1989)	HP Ex. 189 (47)	
HP Ex. 189 (48)	Curatorship: <i>Delta Bank & Trust Co. v. Webb</i> Case No. 392-742 (January 5, 1990)	HP Ex. 189 (48)	
HP Ex. 189 (49)	UNMARKED	HP Ex. 189 (49)	
HP Ex. 189 (50)	Curatorship: <i>Southwest Savings Ass'n v. Thompson</i> Case No. 393-827 (January 25, 1990)	HP Ex. 189 (50)	
HP Ex. 189 (51)	Curatorship: <i>Victoria Mortgage Co. v. McKee</i> Case No. 394-035 (January 30, 1990)	HP Ex. 189 (51)	
HP Ex. 189 (52)	Curatorship: <i>H.B. White and Sons, Inc. v. Hutchinson</i> Case No. 394-479 (February 7, 1990)	HP Ex. 189 (52)	
HP Ex. 189 (53)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Smith</i> Case No. 394-566 (February 8, 1990)	HP Ex. 189 (53)	
HP Ex. 189 (54)	Curatorship: <i>First Nat'l Bank of Commerce v. Lopez</i> Case No. 395-011 (February 15, 1990)	HP Ex. 189 (54)	
HP Ex. 189 (55)	Curatorship: <i>American Thrift and Finance Plan, Inc. v. Walker</i> Case No. 394-668 (February 12, 1990)	HP Ex. 189 (55)	
HP Ex. 189 (56)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Price and Finley</i> Case No. 395-440 (February 12, 1990)	HP Ex. 189 (56)	
HP Ex. 189 (57)	UNMARKED		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (58)	Curatorship: <i>Barclays American Mortgage Corp. v. Coleman</i> Case No. 395-723 (March 5, 1990)	HP Ex. 189 (58)	
HP Ex. 189 (59)	Curatorship: <i>U.S. Secretary of Veterans Affairs v. Ducote</i> Case No. 395-988 (March 9, 1990)	HP Ex. 189 (59)	
HP Ex. 189 (60)	Curatorship: <i>Blazer Financial Serv. v. Powell</i> Case No. 393-826 (March 26, 1990)	HP Ex. 189 (60)	
HP Ex. 189 (61)	Curatorship: <i>First Nat'l Bank v. Richland & Assoc., Inc.</i> Case No. 397-224 (March 29, 1990)	HP Ex. 189 (61)	
HP Ex. 189 (62)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Rhodes</i> Case No. 430-148 (April 1, 1992)	HP Ex. 189 (62)	
HP Ex. 189 (63)	Curatorship: <i>First Guaranty Mortgage Corp. v. Russell</i> Case No. 397-308 (April 2, 1990)	HP Ex. 189 (63)	
HP Ex. 189 (64)	Curatorship: <i>Citicorp Mortgage, Inc. v. Waguespack</i> Case No. 397-910 (April 11, 1990)	HP Ex. 189 (64)	
HP Ex. 189 (65)	Curatorship: <i>Franklin Savings Ass'n v. Dales</i> Case No. 397-929 (April 11, 1990)	HP Ex. 189 (65)	
HP Ex. 189 (66)	UNMARKED		
HP Ex. 189 (67)	Curatorship: <i>Tory & Nichols, Inc. v. Lewis, et al.</i> Case No. 398-467 (April 23, 1990)	HP Ex. 189 (67)	
HP Ex. 189 (68)	Curatorship: <i>Fifth District Savings & Loan Ass'n v. Trencio</i> Case No. 399-387 (May 10, 1990)	HP Ex. 189 (68)	
HP Ex. 189 (69)	Curatorship: <i>Franklin Savings Ass'n v. Musgrove</i> Case No. 400-119 (May 23, 1990)	HP Ex. 189 (69)	
HP Ex. 189 (70)	UNMARKED		
HP Ex. 189 (71)	Curatorship: <i>Leader Federal Bank for Savings v. Ware</i> Case No. 400-913 (June 8, 1990)	HP Ex. 189 (71)	
HP Ex. 189 (72)	Curatorship: <i>Courtesy Financial Services, Inc. v. Anderson and Davis</i> Case No. 401-600 (June 22, 1990)	HP Ex. 189 (72)	
HP Ex. 189 (73)	Curatorship: <i>Resolution Trust Corp. v. Guastella</i> Case No. 402-214 (July 6, 1990)	HP Ex. 189 (73)	
HP Ex. 189 (74)	Curatorship: <i>Troy & Nichols, Inc. v. Blocher</i> Case No. 404-087 (August 8, 1990)	HP Ex. 189 (74)	
HP Ex. 189 (75)	Curatorship: <i>In Re: Interdiction of Peppers</i> Case No. 405-232 (August 30, 1990)	HP Ex. 189 (75)	
HP Ex. 189 (76)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Metcalf</i> Case No. 405-793 (September 12, 1990) (Division A)	HP Ex. 189 (76)	
HP Ex. 189 (77)	UNMARKED		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (78)	Curatorship: <i>Standard Mortgage Corp. v. Williams</i> Case No. 406-038 (September 18, 1990)	HP Ex. 189 (78)	
HP Ex. 189 (79)	Curatorship: <i>Succession of Abril</i> Case No. 406-299 (September 24, 1990)	HP Ex. 189 (79)	
HP Ex. 189 (80)	Curatorship: <i>Foster Mortgage Corp. v. Blakely</i> Case No. 407-210 (October 11, 1990)	HP Ex. 189 (80)	
HP Ex. 189 (81)	Curatorship: <i>Resolution Trust Corp. v. Kearney</i> Case No. 408-362 (November 5, 1990)	HP Ex. 189 (81)	
HP Ex. 189 (82)	Curatorship: <i>Resolution Trust Corp. v. Batiste</i> Case No. 408-817 (November 14, 1990)	HP Ex. 189 (82)	
HP Ex. 189 (83)	UNMARKED		
HP Ex. 189 (84)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Albert</i> Case No. 409-824 (December 10, 1990)	HP Ex. 189 (84)	
HP Ex. 189 (85)	Curatorship: <i>Resolution Trust Corp. v. Cantrelle</i> Case No. 409-873 (December 11, 1990)	HP Ex. 189 (85)	
HP Ex. 189 (86)	UNMARKED		
HP Ex. 189 (87)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Champagne</i> Case No. 410-042 (December 14, 1990)	HP Ex. 189 (87)	
HP Ex. 189 (88)	Curatorship: <i>Louisiana Housing Finance Agency v. Kramer</i> Case No. 411-621 (January 23, 1991)	HP Ex. 189 (88)	
HP Ex. 189 (89)	UNMARKED		
HP Ex. 189 (90)	UNMARKED		
HP Ex. 189 (91)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Joia</i> Case No. 413-517 (March 5, 1991)	HP Ex. 189 (91)	
HP Ex. 189 (92)	Curatorship: <i>Standard Mortgage Corp. v. Shaw</i> Case No. 413-632 (March 6, 1991)	HP Ex. 189 (92)	
HP Ex. 189 (93)	Curatorship: <i>Standard Mortgage Corp. v. Barrios</i> Case No. 414-445 (March 21, 1991)	HP Ex. 189 (93)	
HP Ex. 189 (94)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Walther</i> Case No. 415-138 (April 5, 1991)	HP Ex. 189 (94)	
HP Ex. 189 (95)	Curatorship: <i>The Fidelity Homestead Ass'n v. Letona</i> Case No. 415-650 (April 16, 1991)	HP Ex. 189 (95)	
HP Ex. 189 (96)	Curatorship: <i>Standard Mortgage Corp. v. Lampo</i> Case No. 416-007 (April 24, 1991)	HP Ex. 189 (96)	
HP Ex. 189 (97)	UNMARKED		
HP Ex. 189 (98)	UNMARKED		
HP Ex. 189 (99)	Curatorship: <i>Resolution Trust Corp. v. Van Cleef</i> Case No. 416-462 (May 2, 1991)	HP Ex. 189 (99)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (100)	Curatorship: <i>Phillips v. Singletary</i> Case No. 416-630 (May 7, 1991)	HP Ex. 189 (100)	
HP Ex. 189 (101)	Curatorship: <i>First Nat'l Bank of Commerce v. Cucinello</i> Case No. 417-432 (May 22, 1991)	HP Ex. 189 (101)	
HP Ex. 189 (102)	UNMARKED		
HP Ex. 189 (103)	UNMARKED		
HP Ex. 189 (104)	Curatorship: <i>Resolution Trust Corporation v. Rapp and Doucet</i> Case No. 418-422 (June 13, 1991) (Division A)	HP Ex. 189 (104)	
HP Ex. 189 (105)	Curatorship: <i>Phillips v. Coston</i> Case No. 419-523 (July 8, 1991)	HP Ex. 189 (105)	
HP Ex. 189 (106)	UNMARKED		
HP Ex. 189 (107)	Curatorship: <i>Miller v. Final Word, Inc.</i> Case No. 420-376 (July 24, 1991)	HP Ex. 189 (107)	
HP Ex. 189 (108)	Curatorship: <i>Resolution Trust Corp. v. Napier</i> Case No. 420-489 (July 25, 1991)	HP Ex. 189 (108)	
HP Ex. 189 (109)	Curatorship: <i>Standard Mortgage Corp. v. Tornabene</i> Case No. 520-632 (July 26, 1991)	HP Ex. 189 (109)	
HP Ex. 189 (110)	UNMARKED		
HP Ex. 189 (111)	Curatorship: <i>Hibernia Nat'l Bank v. Alfortish</i> Case No. 421-180 (August 8, 1991)	189 (111)	
HP Ex. 189 (112)	UNMARKED		
HP Ex. 189 (113)	UNMARKED		
HP Ex. 189 (114)	Curatorship: <i>In Re: Interdiction of Poche</i> Case No. 422-162 (August 30, 1991)	HP Ex. 189 (114)	
HP Ex. 189 (115)	UNMARKED		
HP Ex. 189 (116)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Massa, et al.</i> Case No. 422-559 (September 9, 1991)	HP Ex. 189 (116)	
HP Ex. 189 (117)	UNMARKED		
HP Ex. 189 (118)	Curatorship: <i>American Thrift and Finance Plan, Inc. v. Johnson</i> Case No. 423-088 (September 19, 1991)	HP Ex. 189 (118)	
HP Ex. 189 (119)	Curatorship: <i>Standard Mortgage Corp. v. Contreras</i> Case No. 423-366 (September 25, 1991)	HP Ex. 189 (119)	
HP Ex. 189 (120)	Curatorship: <i>Leader Federal Bank for Savings v. Mauer</i> Case No. 423-845 (October 7, 1991)	HP Ex. 189 (120)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (121)	Curatorship: <i>Jawaid v. Aamir</i> Case No. 423-933 (October 8, 1991)	HP Ex. 189 (121)	
HP Ex. 189 (122)	Curatorship: <i>Security Industrial Ins. Co. v. Queyrouze</i> Case No. 424-264 (October 16, 1991)	HP Ex. 189 (122)	
HP Ex. 189 (123)	Curatorship: <i>Resolution Trust Corps. v. Becker</i> Case No. 424-288 (October 16, 1991)	HP Ex. 189 (123)	
HP Ex. 189 (124)	Curatorship: <i>Anchor Savings Bank v. Brown</i> Case No. 424-427 (October 18, 1991)	HP Ex. 189 (124)	
HP Ex. 189 (125)	Curatorship: <i>Amsouth Mortgage Co., Inc. v. Stephenson</i> Case No. 424-729 (October 25, 1991)	HP Ex. 189 (125)	
HP Ex. 189 (126)	UNMARKED		
HP Ex. 189 (127)	Curatorship: <i>Standard Mortgage Corp. v. Hudson</i> Case No. 425-730 (November 19, 1991)	HP Ex. 189 (127)	
HP Ex. 189 (128)	UNMARKED		
HP Ex. 189 (129)	UNMARKED		
HP Ex. 189 (130)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Bonnecarrere</i> Case No. 410-458 (December 26, 1991)	HP Ex. 189 (130)	
HP Ex. 189 (131)	Curatorship: <i>General Motors Acceptance Corp. v. Bowles</i> Case No. 427-449 (January 6, 1992)	HP Ex. 189 (131)	
HP Ex. 189 (132)	Curatorship: <i>Security Nat'l #4 v. Worldwide Warehouse Co., Inc.</i> Case No. 427-506 (January 7, 1992) (Division A)	HP Ex. 189 (132)	
HP Ex. 189 (133)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Kosterlitz</i> Case No. 427-682 (January 10, 1992)	HP Ex. 189 (133)	
HP Ex. 189 (134)	Curatorship: <i>Fleet Mortgage Corp. v. Collins</i> Case No. 427-791 (January 13, 1992)	HP Ex. 189 (134)	
HP Ex. 189 (135)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Picciotto</i> Case No. 428-430 (January 28, 1992)	HP Ex. 189 (135)	
HP Ex. 189 (136)	Curatorship: <i>In Re: Interdiction of Rivera</i> Case No. 429-354 (February 18, 1992) (Division A)	HP Ex. 189 (136)	
HP Ex. 189 (137)	Curatorship: <i>Marchiafava v. Hernandez</i> Case No. 429-485 (February 19, 1992)	HP Ex. 189 (137)	
HP Ex. 189 (138)	Curatorship: <i>Associates Equity Services Co., Inc. v. Pineda</i> Case No. 430-027 (February 28, 1992)	HP Ex. 189 (138)	
HP Ex. 189 (139)	Curatorship: <i>Security Nat'l Trust v. S. Parish Oil Co.</i> Case No. 430-580 (March 13, 1992)	HP Ex. 189 (139)	
HP Ex. 189 (140)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Marino</i> Case No. 431-576 (April 6, 1992)	HP Ex. 189 (140)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (141)	Curatorship: <i>Leader Federal Bank for Savings v. Mason</i> Case No. 431-912 (April 13, 1992)	HP Ex. 189 (141)	
HP Ex. 189 (142)	Curatorship: <i>Nat'l Mortgage Co. v. Ellis</i> Case No. 432-904 (May 4, 1992)	HP Ex. 189 (142)	
HP Ex. 189 (143)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Kidd</i> Case No. 432-990 (May 6, 1992)	HP Ex. 189 (143)	
HP Ex. 189 (144)	Curatorship: <i>Succession of Gisclair</i> Case No. 433-124 (May 8, 1992)	HP Ex. 189 (144)	
HP Ex. 189 (145)	Curatorship: <i>Succession of Willis</i> Case No. 433- 440 (May 14, 1992)	HP Ex. 189 (145)	
HP Ex. 189 (146)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Himelfard</i> Case No. 374-987 (March 16, 1990)	HP Ex. 189 (146)	
HP Ex. 189 (147)	Curatorship: <i>Leader Federal Savings & Loan Ass'n v. Verdon</i> Case No. 373-782 (December 20, 1988)	HP Ex. 189 (147)	
HP Ex. 189 (148)	Curatorship: <i>Ford Consumer Finance Co., Inc. v. Billiot</i> Case No. 433-676 (May 20, 1992)	HP Ex. 189 (148)	
HP Ex. 189 (149)	UNMARKED		
HP Ex. 189 (150)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Collins</i> Case No. 434-713 (June 11, 1992)	HP Ex. 189 (150)	
HP Ex. 189 (151)	Curatorship: <i>Hibernia Nat'l Bank v. McKeehan</i> Case No. 434-781 (June 12, 1992)	HP Ex. 189 (151)	
HP Ex. 189 (152)	Curatorship: <i>Colonial Mortgage Co. v. Blanchette</i> Case No. 435-168 (June 22, 1992)	HP Ex. 189 (152)	
HP Ex. 189 (153)	Curatorship: <i>Countrywide Funding Corp. v. Roy</i> Case No. 435-714 (July 2, 1992)	HP Ex. 189 (153)	
HP Ex. 189 (154)	Curatorship: <i>Vanderbilt Mortgage & Finance, Inc. v. Nettles</i> Case No. 435-939 (July 8, 1992)	HP Ex. 189 (154)	
HP Ex. 189 (155)	Curatorship: <i>Union Planters Nat'l Bank v. Huggins</i> Case No. 436-054 (July 10, 1992)	HP Ex. 189 (155)	
HP Ex. 189 (156)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Lord, et al.</i> Case No. 431-491 (July 15, 1992)	HP Ex. 189 (156)	
HP Ex. 189 (157)	Curatorship: <i>Midfirst Bank v. Reed</i> Case No. 436-534 (July 20, 1992)	HP Ex. 189 (157)	
HP Ex. 189 (158)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Bishop</i> Case No. 436-651 (July 22, 1992)	HP Ex. 189 (158)	
HP Ex. 189 (159)	Curatorship: <i>National Mortgage Co. v. Ragan</i> Case No. 436-706 (July 22, 1992)	HP Ex. 189 (159)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (160)	Curatorship: <i>Hibernia Nat'l Bank v. Ramirez</i> Case No. 436-835 (July 24, 1992)	HP Ex. 189 (160)	
HP Ex. 189 (161)	Curatorship: <i>Troy & Nichols, Inc. v. Tharpe</i> Case No. 436-903 (July 27, 1992)	HP Ex. 189 (161)	
HP Ex. 189 (162)	Curatorship: <i>Countrywide Funding Corp. v. Johnson</i> Case No. 437-330 (August 4, 1992)	HP Ex. 189 (162)	
HP Ex. 189 (163)	Curatorship: <i>American General Finance, Inc. v. Edmonson</i> Case No. 437-431 (August 6, 1992)	HP Ex. 189 (163)	
HP Ex. 189 (164)	Curatorship: <i>Standard Mortgage Corp. v. Werwiski</i> Case No. 438-254 (August 27, 1992)	HP Ex. 189 (164)	
HP Ex. 189 (165)	Curatorship: <i>Hibernia Nat'l Bank v. Hinds</i> Case No. 438-324 (August 28, 1992)	HP Ex. 189 (165)	
HP Ex. 189 (166)	Curatorship: <i>Independence Savings Bank v. Blancq</i> Case No. 438-405 (August 31, 1992)	HP Ex. 189 (166)	
HP Ex. 189 (167)	Curatorship: <i>Troy & Nichols, Inc. v. Wegmann</i> Case No. 438-832 (September 10, 1992)	HP Ex. 189 (167)	
HP Ex. 189 (168)	Curatorship: <i>Foster Mortgage Corp. v. Favaloro</i> Case No. 438-905 (September 11, 1992)	HP Ex. 189 (168)	
HP Ex. 189 (169)	Curatorship: <i>Colonial Mortgage Co. v. Powery</i> Case No. 439-460 (September 24, 1992)	HP Ex. 189 (169)	
HP Ex. 189 (170)	Curatorship: <i>Premier Bank v. Marshall</i> Case No. 440-347 (October 15, 1992)	HP Ex. 189 (170)	
HP Ex. 189 (171)	Curatorship: <i>Citibank v. Durel</i> Case No. 440-678 (October 23, 1992)	HP Ex. 189 (171)	
HP Ex. 189 (172)	Curatorship: <i>Nat'l Mortgage Co. v. Cheng</i> Case No. 440-849 (October 27, 1992)	HP Ex. 189 (172)	
HP Ex. 189 (173)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Nguyen</i> Case No. 441-033 (November 2, 1992)	HP Ex. 189 (173)	
HP Ex. 189 (174)	Curatorship: <i>Standard Mortgage Corp., v. De Armas</i> Case No. 441-214 (November 5, 1992)	HP Ex. 189 (174)	
HP Ex. 189 (175)	Curatorship: <i>First Nat'l Bank of Jefferson Parrish v. Berkeley</i> Case No. 442-832 (December 17, 1992)	HP Ex. 189 (175)	
HP Ex. 189 (176)	Curatorship: <i>Colonial Mortgage Co. v. Salaz, et al.</i> Case No. 443-287 (January 4, 1993)	HP Ex. 189 (176)	
HP Ex. 189 (177)	Curatorship: <i>Hibernia Nat'l Bank v. Rodrigue</i> Case No. 449-686 (January 7, 1993)	HP Ex. 189 (177)	
HP Ex. 189 (178)	Curatorship: <i>Real Estate Financing, Inc. v. Rodriguez</i> Case No. 444-337 (January 27, 1993)	HP Ex. 189 (178)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (179)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Williams</i> Case No. 444-475 (January 29, 1993)	HP Ex. 189 (179)	
HP Ex. 189 (180)	Curatorship: <i>New South Federal Savings Bank v. Ray</i> Case No. 444-504 (February 1, 1993)	HP Ex. 189 (180)	
HP Ex. 189 (181)	Curatorship: <i>Standard Mortgage Corp. v. Winn</i> Case No. 444-568 (February 2, 1993)	HP Ex. 189 (181)	
HP Ex. 189 (182)	Curatorship: <i>United States v. Buxton</i> Case No. 444-608 (February 3, 1993)	HP Ex. 189 (182)	-
HP Ex. 189 (183)	Curatorship: <i>Eastern Savings Bank, FSB v. Edmonston</i> Case No. 445-440 (February 24, 1993)	HP Ex. 189 (183)	
HP Ex. 189 (184)	Curatorship: <i>First Heights Bank v. Martin</i> Case No. 440-992 (March 2, 1993)	HP Ex. 189 (184)	
HP Ex. 189 (185)	Curatorship: <i>Associates Financial Services of America, Inc. v. Pritchett</i> Case No. 446-138 (April 2, 1993)	HP Ex. 189 (185)	
HP Ex. 189 (186)	Curatorship: <i>Mortgage Properties Corp. v. Rheiner</i> Case No. 446-694 (April 2, 1993)	HP Ex. 189 (186)	
HP Ex. 189 (187)	Curatorship: <i>The U.S. Secretary of Veterans Affairs v. Melton</i> Case No. 447-979 (April 27, 1993)	HP Ex. 189 (187)	
HP Ex. 189 (188)	Curatorship: <i>Colonial Mortgage Co. v. Accardo</i> Case No. 448-059 (April 28, 1993)	HP Ex. 189 (188)	
HP Ex. 189 (189)	Curatorship: <i>Nat'l Mortgage Co. v. Gomez</i> Case No. 449-463 (June 2, 1993)	HP Ex. 189 (189)	
HP Ex. 189 (190)	Curatorship: <i>Charles F. Curry Co. v. Smith</i> Case No. 449-927 (June 11, 1993)	HP Ex. 189 (190)	
HP Ex. 189 (191)	UNMARKED		
HP Ex. 189 (192)	Curatorship: <i>Wachovia Mortgage Co. v. Ware</i> Case No. 451-584 (July 19, 1993)	HP Ex. 189 (192)	
HP Ex. 189 (193)	Curatorship: <i>Mortgage Properties Corp. v. Krause</i> Case No. 451-772 (July 23, 1993)	HP Ex. 189 (193)	
HP Ex. 189 (194)	Curatorship: <i>City of Kenner v. Rodzen</i> Case No. 452-302 (August 4, 1993)	HP Ex. 189 (194)	
HP Ex. 189 (195)	Curatorship: <i>Leader Federal Bank for Savings v. Salmeron</i> Case No. 452-464 (August 9, 1993)	HP Ex. 189 (195)	
HP Ex. 189 (196)	Curatorship: <i>STM Mortgage Co. v. Nicholson, et al.</i> Case No. 452-466 (August 9, 1993)	HP Ex. 189 (196)	
HP Ex. 189 (197)	Curatorship: <i>Nat'l Mortgage Co. v. Bland</i> Case No. 452-817 (August 17, 1993)	HP Ex. 189 (197)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (198)	Curatorship: <i>First Nat'l Bank of Chicago v. Castro</i> Case No. 453-498 (September 1, 1993)	HP Ex. 189 (198)	
HP Ex. 189 (199)	Curatorship: <i>Standard Mortgage Corp. v. Bethay</i> Case No. 453-829 (September 9, 1993)	HP Ex. 189 (199)	
HP Ex. 189 (200)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Estate of Wooley</i> Case No. 454-538 (September 27, 1993)	HP Ex. 189 (200)	
HP Ex. 189 (201)	Curatorship: <i>Succession of Rome</i> Case No. 455-809 (October 28, 1993)	HP Ex. 189 (201)	
HP Ex. 189 (202)	Curatorship: <i>Leader Federal Bank for Savings v. Pettitt</i> Case No. 455-985 (November 2, 1993)	HP Ex. 189 (202)	
HP Ex. 189 (203)	Curatorship: <i>Standard Mortgage Corp. v. Miles</i> Case No. 456-087 (November 14, 1993)	HP Ex. 189 (203)	
HP Ex. 189 (204)	Curatorship: <i>Security Nat'l Partners v. Klein</i> Case No. 456-393 (November 12, 1993)	HP Ex. 189 (204)	
HP Ex. 189 (205)	Curatorship: <i>Leader Federal Bank for Savings v. Cespedes</i> Case No. 457-499 (December 10, 1993)	HP Ex. 189 (205)	
HP Ex. 189 (206)	Curatorship: <i>First Nat'l Bank of Commerce v. Howell</i> Case No. 458-197 (December 30, 1993)	HP Ex. 189 (206)	
HP Ex. 189 (207)	Curatorship: <i>General Motors Acceptance Corp. v. Ruiz</i> Case No. 458-399 (January 6, 1994)	HP Ex. 189 (207)	
HP Ex. 189 (208)	Curatorship: <i>Leader Federal Bank for Savings v. Ducote</i> Case No. 459-447 (February 1, 1994)	HP Ex. 189 (208)	
HP Ex. 189 (209)	Curatorship: <i>Crye- Leike Mortgage Co., Inc. v. Wofford</i> Case No. 459-877 (February 10, 1994)	HP Ex. 189 (209)	
HP Ex. 189 (210)	Curatorship: <i>Hibernia Nat'l Bank v. Wiltz</i> Case No. 460-306 (February 23, 1994)	HP Ex. 189 (210)	
HP Ex. 189 (211)	Curatorship: <i>Fleet Mortgage Corp. v. Do</i> Case No. 460-809 (March 7, 1994)	HP Ex. 189 (211)	
HP Ex. 189 (212)	Curatorship: <i>Toyota Motor Credit Corp. v. Adams</i> Case No. 460-829 (March 8, 1994)	HP Ex. 189 (212)	
HP Ex. 189 (213)	Curatorship: <i>Nat'l Mortgage Co. v. Dauphin</i> Case No. 460-987 (March 11, 1994)	HP Ex. 189 (213)	
HP Ex. 189 (214)	Curatorship: <i>BancBoston Mortgage Corp. v. Rechten</i> Case No. 461-887 (March 31, 1994)	HP Ex. 189 (214)	
HP Ex. 189 (215)	Curatorship: <i>Hibernia Nat'l Bank v. Warmington</i> Case No. 464-107 (March 26, 1994)	HP Ex. 189 (215)	
HP Ex. 189 (216)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Dabon</i> Case No. 464-338 (June 2, 1994)	HP Ex. 189 (216)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (217)	Curatorship: <i>GE Capital Asset Management Corp. v. Moses</i> Case No. 465-007 (June 17, 1994)	HP Ex. 189 (217)	
HP Ex. 189 (218)	Curatorship: <i>In re: Interdiction of Driver</i> Case No. 465-042 (June 20, 1994)	HP Ex. 189 (218)	
HP Ex. 189 (219)	Curatorship: <i>Fleet Mortgage Corp. v. Singleton</i> Case No. 465-086 (June 17, 1994)	HP Ex. 189 (219)	
HP Ex. 189 (220)	Curatorship: <i>The U.S. Secretary of Veteran's Affairs v. Johns</i> Case No. 465-427 (June 28, 1994)	HP Ex. 189 (220)	
HP Ex. 189 (221)	Curatorship: <i>United States of America v. Vincent</i> Case No. 465-445 (June 28, 1994)	HP Ex. 189 (221)	
HP Ex. 189 (222)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Cox</i> Case No. 465-902 (July 11, 1994)	HP Ex. 189 (222)	
HP Ex. 189 (223)	Curatorship: <i>Midfirst Bank v. Alvarez</i> Case No. 466-292 (July 18, 1994)	HP Ex. 189 (223)	
HP Ex. 189 (224)	Curatorship: <i>Daigle v. Estate of Chauvin</i> Case No. 466-832 (August 1, 1994)	HP Ex. 189 (224)	
HP Ex. 189 (225)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Weiselogel</i> Case No. 467-141 (August 8, 1994)	HP Ex. 189 (225)	
HP Ex. 189 (226)	Curatorship: <i>Nat'l Mortgage Co. v. Ferrara</i> Case No. 467-516 (August 17, 1994)	HP Ex. 189 (226)	
HP Ex. 190	Chart of Curatorships given to Robert Cresly from Judge Porteous	HP Ex. 190	
HP Ex. 191	Jody Rotolo Judiciary Committee Immunity Order August 12, 2009	HP Ex. 191	
HP Ex. 192	Jody Rotolo Task Force Deposition September 25, 2009	HP Ex. 192	
HP Ex. 193 (a)	Amato Document Production One (Cover Email and Curatorship Inventory)	HP Ex. 193 (a)	
HP Ex. 193 (b)	Amato Document Production Two (Cover Email and Curatorship Inventory)	HP Ex. 193 (b)	
HP Ex. 194-196	NOT MARKED FOR TRIAL		
HP Ex. 197	Diane Lamulle Task Force Deposition August 26, 2009	HP Ex. 197*	
HP Ex. 198	Washington D.C. Mardi Gras Program 1999	HP Ex. 198	
HP Ex. 199	NOT MARKED FOR TRIAL		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 200	<u>Porteous Recusal Order</u> <i>American Motorist Ins. Co. v. American Rent-All, Inc.</i> Case No. 322-619 (24th Judicial District Court, Jefferson Parish, LA) July 24, 1992	HP Ex. 200	
HP Ex. 201	Task Force Deposition Exhibit 1 (Lori Marcotte) Grand Canyon Tour Flying Certificate February 3, 1992	HP Ex. 201	
HP Ex. 202	Task Force Deposition Exhibit 2 (Lori Marcotte) Grand Canyon Tour – Las Vegas 1992 Photo of Lori Marcotte and Rhonda Danos	HP Ex. 202	
HP Ex. 203	Task Force Deposition Exhibit 3 (Lori Marcotte) Photo of Joelle Lacaze (Las Vegas)	HP Ex. 203	
HP Ex. 204	Task Force Deposition Exhibit 4 (Lori Marcotte) Photo of Rhonda Danos (Las Vegas)	HP Ex. 204	
HP Ex. 205	Task Force Deposition Exhibit 5 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	HP Ex. 205	
HP Ex. 206	Task Force Deposition Exhibit 6 (Lori Marcotte) Photo of Lori Marcotte and others at dinner in Las Vegas	HP Ex. 206	
HP Ex. 207	Task Force Deposition Exhibit 7 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	HP Ex. 207	
HP Ex. 208	Task Force Deposition Exhibit 8 (Lori Marcotte) Photo of Rhonda Danos (Las Vegas)	HP Ex. 208	
HP Ex. 209	Task Force Deposition Exhibit 9 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	HP Ex. 209	
HP Ex. 210	Task Force Deposition Exhibit 10 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Golf Tournament)	HP Ex. 210	
HP Ex. 211	Task Force Deposition Exhibit 11 (Lori Marcotte) Photo of Judge Porteous (Golf Tournament)	HP Ex. 211	
HP Ex. 212	Task Force Deposition Exhibit 12 (Lori Marcotte) Photo of Judge Porteous and son (Wedding)	HP Ex. 212	
HP Ex. 213	Task Force Deposition Exhibit 13 (Lori Marcotte) Photo of Rhonda Danos and unidentified male	HP Ex. 213	
HP Ex. 214	Task Force Deposition Exhibit 14 (Lori Marcotte) Photo of Rhonda Danos	HP Ex. 214	
HP Ex. 215	Task Force Deposition Exhibit 15 (Lori Marcotte) Photo of Rhonda Danos	HP Ex. 215	
HP Ex. 216	Task Force Deposition Exhibit 16 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Wedding)	HP Ex. 216	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 217	Task Force Deposition Exhibit 17 (Lori Marcotte) Lori Marcotte, Rhonda Danos, and other individuals	HP Ex. 217	
HP Ex. 218	Task Force Deposition Exhibit 18 (Lori Marcotte) Photo of Marcotte Event at the Beau Rivage July 1999	HP Ex. 218	
HP Ex. 219	Task Force Deposition Exhibit 19 (Lori Marcotte) Photo of Lori Marcotte and unidentified female	HP Ex. 219	
HP Ex. 220	Task Force Deposition Exhibit 20 (Lori Marcotte) Photo of Lori Marcotte, Rhonda Danos, and unidentified female at dinner	HP Ex. 220	
HP Ex. 221	Task Force Deposition Exhibit 221 (Lori Marcotte) Photo of Lori Marcotte and others (Las Vegas)	HP Ex. 221	
HP Ex. 222	Task Force Deposition Exhibit 22 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, Lori Marcotte, and others (Golf Tournament)	HP Ex. 222	
HP Ex. 223	Task Force Deposition Exhibit 23 (Lori Marcotte) Photo of Louis Marcotte, Judge Porteous, Rhonda Danos, and others (Beau Rivage 1999)	HP Ex. 223	
HP Ex. 224	Task Force Deposition Exhibit 24 (Lori Marcotte) Photo of Judge Porteous, Norman Bowley, and others	HP Ex. 224	
HP Ex. 225	Task Force Deposition Exhibit 25 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, and Lori Marcotte (Golf Tournament)	HP Ex. 225	
HP Ex. 226	Task Force Deposition Exhibit 26 (Lori Marcotte) Photo of Wedding	HP Ex. 226	
HP Ex. 227	Task Force Deposition Exhibit 27 (Lori Marcotte) Photo of Judge Porteous and Lori Marcotte (Wedding)	HP Ex. 227	
HP Ex. 228	Task Force Deposition Exhibit 28 (Lori Marcotte) Photo of unidentified male, Rhonda Danos, Judge Porteous and Lori Marcotte (Golf Tournament)	HP Ex. 228	
HP Ex. 229	Task Force Deposition Exhibit 29 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, Lori Marcotte, and other individuals (Golf Tournament)	HP Ex. 229	
HP Ex. 230	Task Force Deposition Exhibit 30 (Lori Marcotte) Photo of Louis Marcotte and others	HP Ex. 230	
HP Ex. 231	Task Force Deposition Exhibit 31 (Lori Marcotte) Photo of Judge Porteous and other individual (Golf Tournament)	HP Ex. 231	
HP Ex. 232	Task Force Deposition Exhibit 32 (Lori Marcotte) Photo of Louis Marcotte and Judge Chehardy	HP Ex. 232	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 233	Task Force Deposition Exhibit 33 (Danos) Rhonda Danos Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	HP Ex. 233	
HP Ex. 234	Task Force Deposition Exhibit 34 (Konnerup) Sharon Konnerup Deposition in <i>American Motorists Ins. Co. v. American Rental, Inc., et al.</i> September 7, 1995	HP Ex. 234	
HP Ex. 235	Task Force Deposition Exhibit 35 (Bodenheimer) Photo of Judge Porteous entering Emeril's Restaurant in New Orleans	HP Ex. 235	
HP Ex. 236	Task Force Deposition Exhibit 36 (Bodenheimer) Photo of Judge Porteous and Judge Joan Benge's secretary exiting Emeril's Restaurant in New Orleans	HP Ex. 236	
HP Ex. 237	Task Force Deposition Exhibit 37 (Bodenheimer) Photo of Judge Porteous, Judge Joan Benge's secretary, and Louis Marcotte exiting Emeril's Restaurant in New Orleans	HP Ex. 237	
HP Ex. 238	Task Force Deposition Exhibit 38 (Bodenheimer) Photo of Louis Marcotte and another individual exiting Emeril's Restaurant in New Orleans	HP Ex. 238	
HP Ex. 239	Task Force Deposition Exhibit 39 (Bodenheimer) Photo of Judge Bodenheimer and a BBU Employee outside Emeril's Restaurant in New Orleans	HP Ex. 239	
HP Ex. 240	Task Force Deposition Exhibit 40 (Bodenheimer) Photo of Judge Bodenheimer and Judge Joan Benge's secretary exiting Emeril's Restaurant in New Orleans	HP Ex. 240	
HP Ex. 241	Task Force Deposition Exhibit 41 (Bodenheimer) Photo of Judge Porteous, Judge Bodenheimer, Louis Marcotte, and another individual standing outside Emeril's Restaurant in New Orleans	HP Ex. 241	
HP Ex. 242	Task Force Deposition Exhibit 42 (Bodenheimer) Photo of Louis Marcotte and others standing outside Emeril's Restaurant in New Orleans	HP Ex. 242	
HP Ex. 243	Task Force Deposition Exhibit 43 (Bodenheimer) <u>Plea Agreement</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	HP Ex. 243	
HP Ex. 244	Task Force Deposition Exhibit 44 (Bodenheimer) <u>Superseding Bill of Information</u> <i>United States v. Ronald D. Bodenheimer</i> March 31, 2003	HP Ex. 244	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 245	Task Force Deposition Exhibit 45 (Bodenheimer) <u>Factual Basis</u> <i>United States v. Ronald D. Bodenheimer</i> March 31, 2003	HP Ex. 245	
HP Ex. 246	Task Force Deposition Exhibit 46 (Netterville) <u>Transcript</u> <i>State of Louisiana v. Aubrey Wallace</i> September 21, 1994	HP Ex. 246	
HP Ex. 247	Task Force Deposition Exhibit 47 (Netterville) Bruce Netterville Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	HP Ex. 247	
HP Ex. 248	Task Force Deposition Exhibit 48 (Lori Marcotte) Bail Bonds Unlimited Records Relating to 1999 Beau Rivage Trip	HP Ex. 248	
HP Ex. 249	Task Force Deposition Exhibit 49 (Creely) Robert C. Creely Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	HP Ex. 249	
HP Ex. 250	Task Force Deposition Exhibit 50 (Creely) FBI Interview of Robert Creely August 1, 1994	HP Ex. 250	
HP Ex. 251-259	NOT MARKED FOR TRIAL		
HP Ex. 260	Task Force Deposition Exhibit 60 (Windhorst) Letter from Richard E. Windhorst to Harold Danelin re: Judge Porteous	HP Ex. 260	
HP Ex. 261	Task Force Deposition Exhibit 61 (Gardner) PACER Docket Report: <i>P & L Electronics v. Rosenthal Trust</i> Case No. 2:93-cv-03865-GTP Date Filed: 11/23/1992	HP Ex. 261	
HP Ex. 262	Task Force Deposition Exhibit 62 (Gardner) <i>Jefferson Oncology v. LA. Health Services & Indemnity Co. et al.</i> 545 So.2d. 1125 (La. Ct. App. 1989)	HP Ex. 262	
HP Ex. 263-273	NOT MARKED FOR TRIAL		
HP Ex. 274	Task Force Deposition Exhibit 74 (Lightfoot) <u>Chapter 13 Schedules and Plan</u> <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	HP Ex. 274	SC Ex. 1
HP Ex. 275	Task Force Deposition Exhibit 75 (Lightfoot) "Your Rights and Responsibilities in Chapter 13"	HP Ex. 275	SC Ex. 11

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 276	Task Force Deposition Exhibit 76 (Lightfoot) Meeting of Creditors' Hearing Transcript <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	HP Ex. 276	SC Ex. 22
HP Ex. 277	NOT MARKED FOR TRIAL		
HP Ex. 278	Task Force Deposition Exhibit 78 (Rotolo) Jacob Amato, Jr. Curatorships	HP Ex. 278	
HP Ex. 279	NOT MARKED FOR TRIAL D		
HP Ex. 280	Task Force Deposition Exhibit 80 (Louis Marcotte) Louis Marcotte Affidavit April 17, 2003	HP Ex. 280	
HP Ex. 281	Task Force Deposition Exhibit 81 (Amato) Jacob Amato, Jr. Judiciary Immunity Order (Signed by Judge Lamberth, August 12, 2009)	HP Ex. 281	
HP Ex. 282	Task Force Deposition Exhibit 82 (Amato) <u>Ex Parte Motion of Liljeberg Enterprises to Substitute Counsel</u> <i>In re: Liljeberg</i> Case No.: 2:93-cv-01794-GTP September 19, 1996	HP Ex. 282	
HP Ex. 283	Task Force Deposition Exhibit 83 (Amato) Jacob Amato, Jr. Calendar June 1999	HP Ex. 283	
HP Ex. 284-286	NOT MARKED FOR TRIAL		
HP Ex. 287	Task Force Deposition Exhibit 87 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/98 - 12/31/98	HP Ex. 287	SC Ex. 3
HP Ex. 288	Task Force Deposition Exhibit 88 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/99 - 12/31/99	HP Ex. 288	SC Ex. 3
HP Ex. 289	Task Force Deposition Exhibit 89 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/01 - 12/31/01	HP Ex. 289	SC Ex. 3
HP Ex. 290	Task Force Deposition Exhibit 90 (Levenson) Levenson American Express Summary 2000	HP Ex. 290	
HP Ex. 291	Task Force Deposition Exhibit 91 (Levenson) Miscellaneous Levenson Financial Records April 1999	HP Ex. 291	
HP Ex. 292-294	NOT MARKED FOR TRIAL		
HP Ex. 295	William E. Heitkamp Fifth Circuit Testimony October 30, 2007		5th Cir. Testimony

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 296	Letter from S.J. Beaulieu, Jr. to Claude C. Lightfoot, enclosing correspondence from William E. Heitkamp August 4, 2003		SC Ex. 32
HP Ex. 297	S.J. Beaulieu FBI Interview March 4, 2004		SC Ex. 11
HP Ex. 298	Letter from Michael F. Adoue, staff attorney for S.J. Beaulieu, Jr. to FBI Agent Wayne Horner Re: G. Thomas Porteous, Jr., Case No. 01-12363 April 1, 2004		SC Ex. 11
HP Ex. 299	Letter from Noel Hillman, Chief, Public Integrity Section, Department of Justice, to S.J. Beaulieu, Jr. April 13, 2004		SC Ex. 11
HP Ex. 300	Memorandum to File and Ron Woods from Larry Finder Re: Interview of S.J. Beaulieu, Jr. July 29, 2007		SC Ex. 11
HP Ex. 301 (a)	Porteous Grand Casino Gulfport Patron Transaction Report (02/27/2001 markers)	HP Ex. 301 (a)	SC Ex. 49
HP Ex. 301 (b)	Porteous Bank One Statement (with copies of checks to Grand Casino) March 23, 2001 – April 23, 2001	HP Ex. 301 (b)	
HP Ex. 302	Porteous Treasure Chest Customer Transaction Inquiry (03/02/2001 markers)	HP Ex. 302	SC Ex. 54
HP Ex. 303	Porteous Beau Rivage Credit History (one-time credit limit increase on 04/06/2001)	HP Ex. 303	SC Ex. 51
HP Ex. 304	Porteous Beau Rivage Balance Activity (04/07/2001 markers)	HP Ex. 304	SC Ex. 51
HP Ex. 305	Porteous Treasure Chest Customer Transaction Inquiry (04/10/2001 markers)	HP Ex. 305	SC Ex. 54
HP Ex. 306	Porteous Harrah's Patron Credit Activity (04/30/2001 markers)	HP Ex. 306	SC Ex. 52
HP Ex. 307	Porteous Treasure Chest Customer Transaction Inquiry (05/07/2001 markers)	HP Ex. 307	SC Ex. 54
HP Ex. 308	Porteous Treasure Chest Customer Transaction Inquiry (05/16/2001 markers)	HP Ex. 308	SC Ex. 54
HP Ex. 309	Porteous Grand Casino Patron Transaction Report (05/26/2001 markers) and corresponding Bank One records	HP Ex. 309*	SC Ex. 49 & 5th Cir. "UL" Documents ⁴

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In addition to the SC Exhibits on the Fifth Circuit Exhibit List, Judge Porteous requested that all "Underlying Documents" (which contained bates labels beginning with "UL") be made a part of the official record before the Fifth Circuit Special Investigative Committee. This request was granted, and all "UL" documents were made a part of the Fifth Circuit record. See Fifth Circuit Hearing Transcript at 426-31 (House Trial Exhibit 43).

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 310	Porteous Treasure Chest Customer Transaction Inquiry (06/20/2001 markers)	HP Ex. 310	SC Ex. 54
HP Ex. 311	Porteous Treasure Chest Customer Transaction Inquiry (07/19/2001 markers)	HP Ex. 311	SC Ex. 54
HP Ex. 312	Porteous Treasure Chest Customer Transaction Inquiry (07/23/2001 markers)	HP Ex. 312	SC Ex. 54
HP Ex. 313 (a)	Porteous Treasure Chest Customer Transaction Inquiry (08/20/2001 markers)	HP Ex. 313 (a)	SC Ex. 54
HP Ex. 313 (b)	Porteous Treasure Chest IOU's and Hold Checks Ledger	HP Ex. 313 (b)	SC Ex. 54
HP Ex. 314	Porteous Harrah's Patron Credit Activity (09/28/2001 markers)	HP Ex. 314	SC Ex. 52
HP Ex. 315	Porteous Treasure Chest Customer Transaction Inquiry (10/13/2001 markers)	HP Ex. 315	SC Ex. 54
HP Ex. 316	Porteous Treasure Chest Customer Transaction Inquiry (10/17/2001 markers)	HP Ex. 316	SC Ex. 54
HP Ex. 317	Porteous Beau Rivage Balance Activity (10/31/2001 markers)	HP Ex. 317	SC Ex. 51
HP Ex. 318	Porteous Treasure Chest Customer Transaction Inquiry (11/27/2001 markers)	HP Ex. 318	SC Ex. 54
HP Ex. 319	Porteous Treasure Chest Customer Transaction Inquiry (12/11/2001 markers)	HP Ex. 319	SC Ex. 54
HP Ex. 320	Porteous Harrah's Patron Credit Activity (12/20/2001 markers)	HP Ex. 320	SC Ex. 52
HP Ex. 321	Porteous Grand Casino Patron Transaction Report (2/12/2002 markers)	HP Ex. 321	SC Ex. 49
HP Ex. 322	Porteous Treasure Chest Customer Transaction Inquiry (04/01/2002 markers)	HP Ex. 322	SC Ex. 54
HP Ex. 323	Porteous Grand Casino Patron Transaction Report (05/26/2002 markers)	HP Ex. 323	SC Ex. 49
HP Ex. 324	Porteous Application for credit increase at Grand Casino Gulfport (from \$2,000 to \$2,500)	HP Ex. 324	SC Ex. 49
HP Ex. 325	Porteous Grand Casino Patron Transaction Report (07/04/2002 markers) and corresponding Fidelity Money Market Account records	HP Ex. 325*	SC Ex. 49 & 5th Cir. "UL" Documents
HP Ex. 326	Central Credit, Inc. Gaming Report for Judge Porteous	HP Ex. 326	SC Ex. 20
HP Ex. 327	FBI Chart: "G.T. Porteous: Checks Written / Cash Withdrawals Associated with Gaming."	HP Ex. 327	SC Ex. 95

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 328	FBI Chart: "G.T. Porteous: Gaming Expenses / Charges on Credit Card."	HP Ex. 328	SC Ex. 96
HP Ex. 329	Fleet credit card statement with accompanying check written by Rhonda Danos, paying off balance in March 2001.	HP Ex. 329	SC Ex. 29
HP Ex. 330	Fleet payment stub and check written by Judge Porteous September 2, 2002	HP Ex. 330	
HP Ex. 331	Treasure Chest Casino records	HP Ex. 331	SC Ex. 54
HP Ex. 332	Gerald Dennis Fink Fifth Circuit Testimony October 29, 2007	HP Ex. 332	5th Cir. Testimony
HP Ex. 333(a)	Memorandum of Interview of William Greendyke, by Larry Finder July 15, 2007		
HP Ex. 333(b)	FBI Interview of William Greendyke January 14, 2005		
HP Ex. 334	S.J. Beaulieu FBI Interview January 22, 2004	HP Ex. 334	SC Exs. 11, 88
HP Ex. 335	Judge Greendyke Fifth Circuit Testimony October 29, 2007	HP Ex. 335	5th Cir. Testimony
HP Ex. 336	Carmella Porteous's W2s for the years 2000 and 2001	HP Ex. 336	SC Ex. 26
HP Ex. 337	FBI Chart of Porteous Gaming Losses (03/28/2000 – 03/28/2001)	HP Ex. 337	SC Ex. 30
HP Ex. 338	Dewayne Horner Fifth Circuit Testimony October 29, 2007	HP Ex. 338	5th Cir. Testimony
HP Ex. 339	Beaulieu Letter to Lightfoot approving home refinance December 20, 2002	HP Ex. 339	SC Ex. 11
HP Ex. 340	Beaulieu Letter to Lightfoot approving new car leases January 2, 2003	HP Ex. 340	SC Ex. 11
HP Ex. 341 (a)	Capital One credit card application August 13, 2001	HP Ex. 341 (a)	
HP Ex. 341 (b)	Porteous Capital One credit card statements	HP Ex. 341 (b)	
HP Ex. 342	Lightfoot Affidavit in Support of Attorney's Fees	HP Ex. 342	SC Ex. 1
HP Ex. 343	Lightfoot Non-Privileged Documents Produced to Grand Jury		
HP Ex. 344	2001 Instructions for Completing Bankruptcy Official Form 1, Voluntary Petition	HP Ex. 344	
HP Ex. 345	2001 Instructions for Completing Bankruptcy Schedules	HP Ex. 345	
HP Ex. 346	2001 Instructions for Completing Bankruptcy Statement of Financial	HP Ex. 346	
HP Ex. 347	NOT MARKED FOR TRIAL	HP Ex. 347	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 348	Gaming Charges on Porteous's Credit Cards	HP Ex. 348	
HP Ex. 349	Porteous Monthly Variances in Take Home Pay 1998-2002	HP Ex. 349	
HP Ex. 350 (1)	Bail Bond: William Stanford (\$19,000) 09/19/1994	HP Ex. 350 (1)	
HP Ex. 350 (2)	Bail Bond: Stanley Esukpa (\$3,000) 09/01/1994	HP Ex. 350 (2)	
HP Ex. 350 (3)	Bail Bond: Elijah Mitchell (\$23,500) 09/02/1994	HP Ex. 350 (3)	
HP Ex. 350 (4)	Bail Bond: Joyce Barge (\$22,500) 09/02/1994	HP Ex. 350 (4)	
HP Ex. 350 (5)	Bail Bond: Leonard McNeely (\$45,000) 09/04/1994	HP Ex. 350 (5)	
HP Ex. 350 (6)	Bail Bond: Eugene Sarah (\$5,750) 09/06/1994	HP Ex. 350 (6)	
HP Ex. 350 (7)	Bail Bond: Shawn Suttle (\$14,000) 09/09/1994	HP Ex. 350 (7)	
HP Ex. 350 (8)	Bail Bond: Johnny Pena (\$7,500) 9/07/1994	HP Ex. 350 (8)	
HP Ex. 350 (9)	Bail Bond: Michael Pare (\$8,500) 09/08/1994	HP Ex. 350 (9)	
HP Ex. 350 (10)	Bail Bond: Renie Hensley (\$5,000) 09/08/94	HP Ex. 350 (10)	
HP Ex. 350 (11)	Bail Bond: Donald Bardell, Jr. (\$7,600) 09/10/1994	HP Ex. 350 (11)	
HP Ex. 350 (12)	Bail Bond: Hussein Ahmed (\$10,500) 09/10/1994	HP Ex. 350 (12)	
HP Ex. 350 (13)	Bail Bond: Craig Scott (\$5,000) 09/09/1994	HP Ex. 350 (13)	
HP Ex. 350 (14)	Bail Bond: Randy Bishop (\$50,000) 09/12/1994	HP Ex. 350 (14)	
HP Ex. 350 (15)	Bail Bond: Michael Addison (\$2,000) 09/11/1994	HP Ex. 350 (15)	
HP Ex. 350 16)	Bail Bond: Dorcellie Terrebonne (\$5,900) 09/13/1994	HP Ex. 350 16)	
HP Ex. 350 (17)	Bail Bond: Dianne Ellis (\$3,000) 09/12/1994	HP Ex. 350 (17)	
HP Ex. 350 (18)	Bail Bond: Melvin Hokes (\$10,000) 09/13/1994	HP Ex. 350 (18)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 350 (19)	Bail Bond: Ronnell Smith (\$8,000) 09/15/1994	HP Ex. 350 (19)	
HP Ex. 350 (20)	Bail Bond: Cornelius Jones (\$25,000) 09/15/1994	HP Ex. 350 (20)	
HP Ex. 350 (21)	Bail Bond: Frank Ringo (\$40,000) 09/19/1994	HP Ex. 350 (21)	
HP Ex. 350 (22)	Bail Bond: Ruplert Ortiz (\$5,000) 09/17/1994	HP Ex. 350 (22)	
HP Ex. 350 (23)	Bail Bond: Burnell Lawson (\$4,000) 09/19/1994	HP Ex. 350 (23)	
HP Ex. 350 (24)	Bail Bond: Henry Williams (\$5,000) 09/17/1994	HP Ex. 350 (24)	
HP Ex. 350 (25)	Bail Bond: Hung Nguyen (\$7,500) 09/19/1994	HP Ex. 350 (25)	
HP Ex. 350 (26)	Bail Bond: Kenneth "Kenny" King (\$3,000) 09/19/1994	HP Ex. 350 (26)	
HP Ex. 350 (27)	Bail Bond: Billy Marse (\$6,000) 09/21/1994	HP Ex. 350 (27)	
HP Ex. 350 (28)	Bail Bond: Scott Blanda (\$5,000) 09/22/1994	HP Ex. 350 (28)	
HP Ex. 350 (29)	Bail Bond: Kimberly Cook (\$31,275) 09/23/1994	HP Ex. 350 (29)	
HP Ex. 350 (30)	Bail Bond: Adrian Martin (\$9,500) 09/23/1994	HP Ex. 350 (30)	
HP Ex. 350 (31)	Bail Bond: Meisha Ursin (\$5,000) 09/24/1994	HP Ex. 350 (31)	
HP Ex. 350 (32)	Bail Bond: Doreatha Taylor (\$10,000) 09/24/1994	HP Ex. 350 (32)	
HP Ex. 350 (33)	Bail Bond: Daniel Stanley (\$3,150) 09/25/1994	HP Ex. 350 (33)	
HP Ex. 350 (34)	Bail Bond: Guy Folse (\$7,550) 09/25/1994	HP Ex. 350 (34)	
HP Ex. 350 (35)	Bail Bond: Richard Brady (\$30,000) 09/25/1994	HP Ex. 350 (35)	
HP Ex. 350 (36)	Bail Bond: Rodney Robinson (\$17,500) 09/26/1994	HP Ex. 350 (36)	
HP Ex. 350 (37)	Bail Bond: Charles Ainsworth (\$8,400) 09/27/1994	HP Ex. 350 (37)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 350 (38)	Bail Bond: Shondolyn Murray (\$23,500) 09/28/1994	HP Ex. 350 (38)	
HP Ex. 350 (39)	Bail Bond: Dwayne Simms (\$8,000) 09/29/1994	HP Ex. 350 (39)	
HP Ex. 350 (40)	Bail Bond: Lenard Robinson (\$3,000) 10/04/1994	HP Ex. 350 (40)	
HP Ex. 350 (41)	Bail Bond: Steven Owens (\$3,000) 10/13/1994	HP Ex. 350 (41)	
HP Ex. 350 (42)	Bail Bond: Damion Smith (\$25,000) 10/04/1994	HP Ex. 350 (42)	
HP Ex. 350 (43)	Bail Bond: Roddrick Miller (\$1,500) 10/10/1994	HP Ex. 350 (43)	
HP Ex. 350 (44)	Bail Bond: Harold Taylor (\$5,000) 10/10/1994	HP Ex. 350 (44)	
HP Ex. 350 (45)	Bail Bond: Nathaniel Richardson (\$5,000) 10/10/1994	HP Ex. 350 (45)	
HP Ex. 350 (46)	Bail Bond: Donald Bulen (\$22,000) 10/11/1994	HP Ex. 350 (46)	
HP Ex. 350 (47)	Bail Bond: John Wells, Jr. (\$160,000) 10/11/1994	HP Ex. 350 (47)	
HP Ex. 350 (48)	Bail Bond: Leonard Bradley (\$18,000) 10/11/1994	HP Ex. 350 (48)	
HP Ex. 350 (49)	Bail Bond: Donald Washington (\$23,500) 10/11/1994	HP Ex. 350 (49)	
HP Ex. 350 (50)	Bail Bond: Thi Ngo (\$15,000) 10/12/1994	HP Ex. 350 (50)	
HP Ex. 350 (51)	Bail Bond: Louis Wells (\$160,000) 10/12/1994	HP Ex. 350 (51)	
HP Ex. 350 (52)	Bail Bond: Scott Ebright (\$16,250) 10/13/1994	HP Ex. 350 (52)	
HP Ex. 350 (53)	Bail Bond: Eris Burton (\$6,250) 10/19/1994	HP Ex. 350 (53)	
HP Ex. 350 (54)	Bail Bond: Trellis Compton (\$2,000) 10/23/1994	HP Ex. 350 (54)	
HP Ex. 350 (55)	Bail Bond: William Thorton (\$20,500) 10/26/1994	HP Ex. 350 (55)	
HP Ex. 350 (56)	Bail Bond: Craig Massey (\$25,000) 10/27/1994	HP Ex. 350 (56)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 351 (1)	Bail Bond: Rodney Robinson (\$17,500) 09/26/1994	HP Ex. 351 (1)	
HP Ex. 351 (2)	Bail Bond: Damion Smith (\$25,000) 10/4/1994	HP Ex. 351 (2)	
HP Ex. 351 (3)	Bail Bond: Steven Owens (\$3,000) 10/13/1994	HP Ex. 351 (3)	
HP Ex. 351 (4)	Bail Bond: Rodrick Miller (\$15,000) 10/10/1994	HP Ex. 351 (4)	
HP Ex. 351 (5)	Bail Bond: George Robinson (\$5,000) 10/1994	HP Ex. 351 (5)	
HP Ex. 351 (6)	Bail Bond: Harold Taylor (\$5,000) 10/10/1994	HP Ex. 351 (6)	
HP Ex. 351 (7)	Bail Bond: Nathaniel Richardson (\$5,000) 10/10/1994	HP Ex. 351 (7)	
HP Ex. 351 (8)	Bail Bond: John Wells, Jr. (\$160,000) 10/11/1994	HP Ex. 351 (8)	
HP Ex. 351 (9)	Bail Bond: Donald Washington (\$23,500) 10/11/1994	HP Ex. 351 (9)	
HP Ex. 351 (10)	Bail Bond: Leonard Bradley (\$18,000) 10/11/1994	HP Ex. 351 (10)	
HP Ex. 351 (11)	Bail Bond: Donald Bulen (\$22,200) 10/11/1994	HP Ex. 351 (11)	
HP Ex. 351 (12)	Bail Bond: Louis Wells (\$160,000) 10/12/1994	HP Ex. 351 (12)	
HP Ex. 351 (13)	Bail Bond: Stephen Simmons (\$1,500) 10/12/1994	HP Ex. 351 (13)	
HP Ex. 351 (14)	Bail Bond: Thi Ngo (\$15,000) 10/12/1994	HP Ex. 351 (14)	
HP Ex. 351 (15)	Bail Bond: Travis Boothe (\$45,000) 10/12/1994	HP Ex. 351 (15)	
HP Ex. 351 (16)	Bail Bond: Timothy Anweiler (\$55,100) 10/12/1994	HP Ex. 351 (16)	
HP Ex. 351 (17)	Bail Bond: Thanh Nguyen (\$17,500) 10/13/1994	HP Ex. 351 (17)	
HP Ex. 351 (18)	Bail Bond: Angelo Silvestri (\$2,500) 10/13/1994	HP Ex. 351 (18)	
HP Ex. 351 (19)	Bail Bond: Barry Fank (\$6,000) 10/13/1994	HP Ex. 351 (19)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 351 (20)	Bail Bond: Jack Nguyen (\$90,000) 10/19/1994	HP Ex. 351 (20)	
HP Ex. 351 (21)	Bail Bond: Calvin Davis (\$1,500) 10/18/1994	HP Ex. 351 (21)	
HP Ex. 351 (22)	Bail Bond: Eddress Lone (\$5,000) 10/18/1994	HP Ex. 351 (22)	
HP Ex. 351 (23)	Bail Bond: Eris Burton (\$6,250) 10/19/1994	HP Ex. 351 (23)	
HP Ex. 351 (24)	Bail Bond: Joe Thompson, Jr. (\$25,000) 10/19/1994	HP Ex. 351 (24)	
HP Ex. 351 (25)	Bail Bond: David Hepting (\$25,000) 10/19/1994	HP Ex. 351 (25)	
HP Ex. 351 (26)	Bail Bond: Wayne Taylor (\$25,000) 09/26/1994	HP Ex. 351 (26)	
HP Ex. 352–359	NOT MARKED FOR TRIAL		
HP Ex. 360	Code of Conduct for United States Judges 1992–1996	HP Ex. 360	
HP Ex. 361	Code of Conduct for United States Judges 1996–1999	HP Ex. 361	
HP Ex. 362	Code of Conduct for United States Judges 1999–2009	HP Ex. 362	
HP Ex. 363	Code of Conduct for United States Judges Gifts Provision 1994–1996	HP Ex. 363	
HP Ex. 364	Code of Conduct for United States Judges Statutory Provisions Concerning Gifts August 1997–August 2003	HP Ex. 364	
HP Ex. 365	Code of Conduct for United States Judges Statutory Provisions Concerning Gifts September 2003–present	HP Ex. 365	
HP Ex. 366–369	NOT MARKED FOR TRIAL		
HP Ex. 370 (a)	1999 PBUS Beau Rivage Convention Records related to Judge Porteous	HP Ex. 370 (a)	
HP Ex. 370 (b)	1999 PBUS Beau Rivage Convention Records related to Rhonda Danos	HP Ex. 370 (b)	
HP Ex. 371	Records related to 1996 and 1998 Marcotte–Danos Las Vegas Trips	HP Ex. 371	
HP Ex. 372 (a)	Beef Connection Bill and Lori Marcotte Credit Card Record August 6, 1997	HP Ex. 372 (a)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 372 (b)	Beef Connection Bill and Lori Marcotte Credit Card Record August 25, 1997	HP Ex. 372 (b)	
HP Ex. 372 (c)	Beef Connection Bill and Lori Marcotte Credit Card Record November 19, 1997	HP Ex. 372 (c)	
HP Ex. 372 (d)	Beef Connection Bill and Lori Marcotte Credit Card Record August 5, 1998	HP Ex. 372 (d)	
HP Ex. 372 (e)	Beef Connection Bill and Lori Marcotte Credit Card Record October 19, 1998	HP Ex. 372 (e)	
HP Ex. 373 (a)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record April 23, 1999	HP Ex. 373 (a)	
HP Ex. 373 (b)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 15, 1999	HP Ex. 373 (b)	
HP Ex. 373 (c)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record February 1, 2000	HP Ex. 373 (c)	
HP Ex. 373 (d)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 7, 2000	HP Ex. 373 (d)	
HP Ex. 374	NOT MARKED FOR TRIAL		
HP Ex. 375	Emeril's receipt paid for by the Marcottes March 11, 2002	HP Ex. 375	
HP Ex. 376	Porteous Credit Card Statements May 1999	HP Ex. 376	
HP Ex. 377	Caesar's Palace Records (Creely's credit card charges for Porteous's Room)	HP Ex. 377	SC Ex. 49
HP Ex. 378	Creely's Credit Card Charges May 1999	HP Ex. 378	
HP Ex. 379	Caesar's Palace Records Relating to October 27-29 Trip by Judge Porteous	HP Ex. 379	
HP Ex. 380	Caesar's Lake Tahoe Casino Records	HP Ex. 380	
HP Ex. 381	Porteous Fidelity Records re: IRA	HP Ex. 381	
HP Ex. 382	Records related to \$1,000 Beau Rivage Payment	HP Ex. 382	
HP Ex. 383	Additional Porteous IRA Records	HP Ex. 383	
HP Ex. 384-436	NOT MARKED FOR TRIAL		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 437	Letter from Chairman Patrick Leahy and Ranking Member Jeff Sessions, of the Senate Judiciary Committee, to Chairman McCaskill and Vice Chairman Hatch, of the Senate Impeachment Trial Committee Re: the Senate Judiciary Committee's archived files on the 1994 nomination of Judge G. Thomas Porteous, Jr. July 27, 2010		
HP Ex. 438	Letter from Staff Director Derron R. Parks, of the Senate Impeachment Trial Committee, to Jonathan Turley, Esq. and Alan I. Baron, Esq. Re: providing counsel with the entire Senate Judiciary Committee file of Judge Porteous July 30, 2010		
HP Ex. 439 (a)	Senate Judiciary File: Letter from William E. Willis, Chair of the American Bar Association Standing Committee on Federal Judiciary, to Senator Biden Re: Judge Porteous's qualifications for appointment to the federal bench August 30, 1994		
HP Ex. 439 (b)	Senate Judiciary File: Judge G. Thomas Porteous, Jr. – Biography Senate Nominations Hearing October 6, 1994		
HP Ex. 439 (c)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Blue Slips from Senator Breaux and Senator Johnston		
HP Ex. 439 (d)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Dates of Materials Received Re: Senate Confirmation		
HP Ex. 439 (e)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Nomination Hearing Transcript October 6, 1994		
HP Ex. 439 (f)	Senate Judiciary File: White House Nomination of Judge G. Thomas Porteous Jr. to be a United States District Judge for the Eastern District of Louisiana August 25, 1994		
HP Ex. 439 (g)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Public) September 6, 1994		
HP Ex. 439 (h)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Committee Confidential) and Financial Disclosure Form September 6, 1994		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 439 (i)	Senate Judiciary File: Judge G. Thomas Porteous Jr. -- state court cases		
HP Ex. 439 (j)	Senate Judiciary File: Judge G. Thomas Porteous Jr. -- state court opinions		
HP Ex. 439 (k)	Senate Judiciary File: Judge G. Thomas Porteous Jr. -- reversals of state court opinions		
HP Ex. 439 (l)	Senate Judiciary File: Judge G. Thomas Porteous Jr. -- additional decisions requested		
HP Ex. 439 (m)	Senate Judiciary File: Judge G. Thomas Porteous Jr. -- news articles		
HP Ex. 439 (n)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 15, 1994		
HP Ex. 439 (o)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 29, 1994		
HP Ex. 439 (p)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. Staff Memorandum (Committee Confidential) 1994		
HP Ex. 439 (q)	Senate Judiciary File: confidential notes taken from FBI file of G. Thomas Porteous, Jr.		
HP Ex. 440	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part I)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives November 17-18, 2009	House Testimony	
HP Ex. 441	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part II)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 8, 2009	House Testimony	
HP Ex. 442	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part III)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 10, 2009	House Testimony	
HP Ex. 443	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part IV)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 15, 2009	House Testimony	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 444	<u>Impeachment of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana</u> Report of the House of Representatives to Accompany H. Res. 1031		
HP Ex. 445	Senate Impeachment Trial Committee Deposition of Robert Creely August 2, 2010		
HP Ex. 446	Senate Impeachment Trial Committee Deposition of Jacob Amato, Jr. August 2, 2010		
HP Ex. 447	Senate Impeachment Trial Committee Deposition of Louis Marcotte August 2, 2010		
HP Ex. 448	Senate Impeachment Trial Committee Deposition of Lori Marcotte August 2, 2010		
HP Ex. 449	<u>To Consider Articles of Impeachment Against U.S. District Judge G. Thomas Porteous</u> <u>Stenographic Minutes</u> of the House of Representatives, Committee on the Judiciary, Task Force on Judicial Impeachment January 21, 2010		
HP Ex. 450	Fifth Circuit correspondence with Judge Porteous		SC Ex. 47
HP Ex. 451	Porteous Bank One Records Aug. – Sept. 2001; Aug. –Sept. 2002; Aug. – Sept. 2003		5th Cir. "UL" Documents
HP Ex. 452 (a)	Porteous Bank One Records May – July 2002		5th Cir. "UL" Documents
HP Ex. 452 (b)	Porteous Fidelity Records May – July 2002		5th Cir. "UL" Documents
HP Ex. 453	Porteous Fidelity Records July – August 2002 (\$1,300 check to Grand Casino Gulfport)		5th Cir. "UL" Documents
HP Ex. 454	<i>United Student Aid Funds, Inc. v. Espinosa</i> 130 S. Ct. 1367 (2010)		
HP Ex. 455	<i>United States v. Gellene</i> 182 F.3d 578 (7th Cir. 1998)		

**In The Senate of The United States
Sitting as a Court of Impeachment**

In re:

Impeachment of G. Thomas Porteous, Jr.,

United States District Judge for the

Eastern District of Louisiana

JUDGE G. THOMAS PORTEOUS, JR.'S PRE-TRIAL STATEMENT SUPPLEMENT

Pursuant to the Senate Impeachment Trial Committee's (the "Committee") August 25, 2010 Order Designating Contents of Pre-Trial Statements, Judge Porteous advises the Committee that he anticipates calling the following witnesses to testify in his defense, in the following order, and for the following approximate durations:

Thursday, September 16, 2010¹

- | | | |
|-----|---------------------------------|--------------|
| (1) | Timothy Porteous | (30 minutes) |
| (2) | Professor Rafael Pardo | (45 minutes) |
| (3) | Judge Ronald Barliant | (20 minutes) |
| (4) | S. J. Beaulieu, Jr. | (45 minutes) |
| (5) | Charles Plattsmier ² | (15 minutes) |
| (6) | Professor Dane S. Ciolino | (30 minutes) |

¹ As noted in earlier filings, Judge Porteous reserves the right to call any witness listed in the House's Final Witness List or Pre-Trial Statement that the House ultimately does not call to testify. Judge Porteous also reserves the right to call any witness called by the House as his own witness if made necessary by rulings which limit Judge Porteous's ability to explore fully with the House's witness that witness' previous testimony which has been admitted as part of the record of this proceeding.

² While Mr. Plattsmier was included in the House's Final Witness List, he was not listed in the House's Pre-Trial Statement as a witness that the House intends to call to testify. Judge Porteous intends to call Mr. Plattsmier to testify on Thursday, September 16, 2010.

(7) Darcy Griffin (30 minutes)

(8) Daniel A. Petalas (30 minutes)

Tuesday, September 21, 2010

(9) John M. Mamoulides (45 minutes)

(10) Judge M. Joseph Tiemann (45 minutes)

(11) Custodial witness to testify with regard to selected bond forms (15 minutes)

(12) Robert Rees (30 minutes)

(13) Adam Barnett (15 minutes)

(14) Henry Hildebrand (20 minutes)

(15) Professor G. Calvin Mackenzie (60 minutes)

In addition to calling these witnesses, Judge Porteous reserves the right to (1) testify in his own defense if he so chooses and if remaining time allows and (2) call additional witnesses, as needed, during the evidentiary hearing for purposes of providing rebuttal or impeachment evidence.

Objections to Certain of the House of Representatives' Final Exhibits

With regard to exhibits, Judge Porteous objects to the authenticity and genuineness of the following exhibits listed on the House of Representative's Final Exhibit List: 190 ("Chart of Curatorships"), 327 ("FBI Chart"), 328 ("FBI Chart"), 337 ("FBI Chart"), and 348 (summary of credit card charges). These documents were created by House Impeachment Counsel, the House managers, and/or the FBI in connection with this matter and, therefore, are not evidence that Judge Porteous can concede to be either authentic or genuine. Instead, they are merely summaries or methods of presenting information that the House may seek to rely upon at trial. While Judge Porteous likewise intends to introduce and rely upon demonstratives at trial, copies

of which are attached.³ such materials are not evidence and should not be included in (and should be stricken from) either party's exhibit list.

Judge Porteous further objects to the House's inclusion on its Final Exhibit List of grand jury transcripts and House Impeachment Task Force Deposition transcripts. In its August 25, 2010 Disposition of Pre-Trial Motions, the Committee granted Judge Porteous's July 21, 2010 Motion to Exclude Prior Testimony with regard to grand jury and House deposition testimony because Judge Porteous had no opportunity to cross-examine witnesses in either instance. (Order at 6-7.) Given the Committee's clear ruling (which the House has not asked the Committee to reconsider), it is wholly inappropriate for the House to place before the Senate such untested, unfiltered, and constitutionally-defective material, which the Committee has already declined to admit. Judge Porteous requests, therefore, that the Committee strike all grand jury testimony⁴ and all House Impeachment Task Force Deposition testimony⁵ from the House's Final Exhibit List.

Respectfully submitted,

/s/ Jonathan Turley
Jonathan Turley
2000 H Street, N.W.
Washington, D.C. 20052
(202) 994-7001

³ Judge Porteous has attached the following five demonstratives: "Floodgates Theory," Aubrey Wallace Timeline, *Lifemark* Timeline, Chapter 13 Confirmation Requirements, and Creditor Recovery Analysis.

⁴ See House Exhibit Nos. 11, 18, 25, 33, 38, 40, 41, 64, 87, 120, 121, & 122(a).

⁵ See House Exhibit Nos. 16, 24, 30, 31, 36, 46, 47, 68, 76, 78, 79, 83, 86, 92(a), 123, 192, & 197.

/s/ Daniel C. Schwartz
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P.J. Meitl
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Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: September 8, 2010

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

Kirsten Konar – kkonar@seyfarth.com

Nafees Syed – nafees.syed@mail.house.gov

/s/ Daniel T. O'Connor

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Eleventh Congress

September 7, 2010

The Honorable Claire McCaskill
Chairman, Senate Rule XI Impeachment Committee
United States Senate
Washington, D.C.

The Honorable Orrin Hatch
Vice Chairman, Senate Rule XI Impeachment Committee
United States Senate
Washington, D.C.

Re: Impeachment of Judge G. Thomas Porteous, Jr.

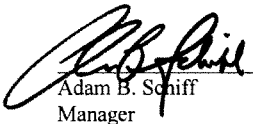
Dear Senator McCaskill and Senator Hatch:

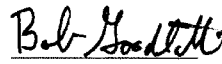
Rule XXII of the Rules of Procedure and Practice in The Senate When Sitting on Impeachment Trials provides: "The case, on each side, shall be opened by one person."

We respectfully request that the Senate Impeachment Trial Committee waive this rule to permit the House's opening statement to be made by the below-signed House Managers. The topics of the opening statements, involving various Articles and legal principles, lend themselves to division in a logical fashion.

We appreciate your consideration of this request.

Sincerely,


Adam B. Schiff
Manager


Bob Goodlatte
Manager

cc: Morgan Frankel
Senate Legal Counsel